

21 August 2015

## COMMUNITY SERVICES AND LICENSING COMMITTEE

A meeting of the Community Services and Licensing Committee will be held on **THURSDAY, 03 SEPTEMBER 2015** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **19:00**.



David Hagg  
Chief Executive

**Please Note:** This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

### AGENDA

- 1 **APOLOGIES**  
To receive apologies of absence.
- 2 **DECLARATIONS OF INTEREST**  
To receive declarations of interest.
- 3 **MINUTES - 11 JUNE 2015**  
To approve and sign as a correct record the minutes of the meeting held on 11 June 2015.
- 4 **PUBLIC QUESTION TIME**  
The Chair of the Committee will answer any questions from members of the public, submitted in accordance with the Council's procedures.

**DEADLINE FOR RECEIPT OF QUESTIONS**  
Noon on 28 August 2015.

Questions must be submitted in writing to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud, and sent by post, by fax (01453 754957), or by Email: [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk).

- 5        **WORK PROGRAMME 2015-16**  
To consider the Work Programme for 2015/16 and update accordingly.
- 6        **PUBLIC HEALTH ANNUAL REPORT**  
Sarah Scott, Interim Director of Public Health, will attend Committee and present the annual report.
- 7        **POLICE AND CRIME COMMISSIONER FOR GLOUCESTERSHIRE - ANNUAL UPDATE**  
Martin Surl, Police and Crime Commissioner for Gloucestershire will attend Committee to give an overview of his projects.
- 8        **UPDATE ON APPOINTMENTS TO OUTSIDE BODIES - 2015-16**  
To appoint additional Members of this Committee to represent the Council on the organisations/and meeting or events as set out in the schedule.
- 9        **BUDGET MONITORING REPORT 2015-16 - QUARTER 1**  
To provide an update for the General Fund Revenue budget and the Capital programme for 2015/16.
- 10       **GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES**  
To provide information that will allow Committee to recommend adoption by Full Council of a Final Draft Statement of Principles under The Gambling Act 2005.
- 11       **LICENSING ACT 2003 - STATEMENT OF POLICY**  
To provide information that will allow Committee to recommend adoption by Full Council of a Statement of Licensing Policy under the Licensing Act 2003.
- 12       **TREE MANAGEMENT POLICY**  
To present a report to Committee to adopt a policy for the management of the Council's tree stock.
- 13       **PERFORMANCE MONITORING**  
To receive an update on Performance Monitoring.
- 14       **MEMBERS' QUESTIONS**  
See Agenda Item 4 for deadline for submission.

### **Members of Community Services and Licensing Committee**

Councillor Chris Brine (Chair)  
Councillor Jonathan Edmunds (Vice-Chair)  
Councillor June Cordwell  
Councillor Stephen Davies  
Councillor Julie Job  
Councillor John Jones  
Councillor Russell Miles

Councillor Elizabeth Peters  
Councillor Gary Powell  
Councillor Nigel Prenter  
Councillor Steve Robinson  
Councillor Chas Townley  
Councillor Penny Wride

## COMMUNITY SERVICES AND LICENSING COMMITTEE

11 June 2015

7.00 pm – 8.10 pm

Council Chamber, Ebley Mill, Stroud

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### Minutes

#### Membership

Councillor Chris Brine (Chair)	P	Councillor Elizabeth Peters	A
Councillor Jonathan Edmunds (Vice-Chair)	P	Councillor Gary Powell	P
Councillor June Cordwell	A	Councillor Nigel Prenter	P
Councillor Stephen Davies	A	Councillor Stephen Robinson	P
Councillor Julie Job	P	Councillor Chas Townley	P
Councillor John Jones	P	Councillor Penny Wride	P
Councillor Russell Miles	A		

P = Present    A = Absent

#### Other Councillors Present

Councillor Mattie Ross

#### Officers Present

Strategic Head of Customer Services  
 Community and Facilities Manager  
 Legal Services Manager and Monitoring Officer

#### Others Present

Members of the Youth Council.

Councillor Chris Brine welcomed new members to Community Services and Licensing Committee.

#### CSLC.001

#### APOLOGIES

Apologies for absence were received from Councillors June Cordwell, Stephen Davies, Russell Miles and Elizabeth Peters.

#### CSLC.002

#### DECLARATIONS OF INTEREST

None received.

**CSLC.003**                    **MINUTES**

**RESOLVED**                    **That the Minutes of the Meeting held on 17 March 2015 are confirmed and signed as a correct record.**

**CSLC.004**                    **PUBLIC QUESTION TIME**

None received.

**CSLC.005**                    **WORK PROGRAMME 2015/16**

Councillors considered that the following matters should be included in the work programme for 2015/16.

- (a) Feasibility of Task and Finish Groups for: Council Tax Collection and Enforcement;
- (b) Information Sheets on: Private Sector Housing Strategy update, Health and Wellbeing Plan annual update (including updates on domestic abuse, mental health and dementia); Facilities and Community Services restructure including the Neighbourhood Wardens;
- (c) Feasibility of setting up a joint committee meeting or information evening with Community Services and Licensing and Housing members to discuss the impacts of Welfare Reform, Universal Credit, Social Sector Size Criteria and Discretionary Housing Payments;
- (d) Director of Public Health has been invited attend on 3 September 2015 to present the Annual report.

An information evening for Councillors has already been arranged on 8 July 2015 to discuss Glos Homeseeker and Local Lettings policies

**RESOLVED**                    **To update the work programme as set out above.**

**CSLC.006**                    **APPOINTMENT OF PERFORMANCE MONITORING REPRESENTATIVES**

The Committee appointed two Councillors to attend quarterly performance monitoring meetings during 2015/16.

**RESOLVED**                    **Councillors John Jones and Julie Job were appointed as performance monitoring representatives for the civic year 2015/16.**

**CSLC.007**                    **APPOINTMENTS OF OUTSIDE BODIES 2015/16**

The Committee considered the appointments to outside bodies and the Chairman requested that Councillors give an update on their work, on the outside body, to Committee members throughout the year.

<b><u>Organisation</u></b>	<b><u>Councillor(s) Appointed 2015/16</u></b>
Cowle Trust (Museum in the Park)	Councillor June Cordwell
Gloucestershire Playing Fields Association	Councillor John Jones
Kingshill House Charitable Trust	Councillor Geoff Wheeler, the Leader
PREMA Project Management Committee	Councillor Steve Lydon—to be confirmed
SARA	Councillor Russell Miles
Stinchcombe Hill Recreational Ground	Councillor Miranda Clifton
Stroud & Rodborough Educational Charity	Councillors Elizabeth Peters, Nigel Cooper, Steve Robinson
Stroud & Tetbury District Scouts	Councillor Elizabeth Peters, Gary Powell
Stroud & District CVS	Councillor Elizabeth Peters
Stroud Citizens Advice Bureau	Councillors Miranda Clifton, Julie Job and Penny Wride
Stroud Festival Limited	Councillors Nigel Prenter and Jonathan Edmunds
Stroud Road Safety Liaison Group	Councillors John Jones and Chas Townley
Supporting People Partnership Board	Councillor Karon Cross-(to be confirmed)
The League of Friends of Stroud Hospital and Health Centre	Councillor John Marjoram-(to be confirmed)
Woodchester Mansion	Councillor Rhiannon Wigzell
Community Safety Partnership	Councillor Chris Brine
Older Peoples Forum	Councillor Mattie Ross
Youth Council	Councillor June Cordwell
Stroud District Council Health and Wellbeing Partnership	Councillor Karon Cross-(to be confirmed) substitute Jonathan Edmunds
Health and Wellbeing Second Tier/District Lead Officers meeting	Councillor Karon Cross-(to be confirmed), substitute Julie Job

**CSLC.008****TASK AND FINISH GROUP ON YOUTH STRATEGY**

The Chairman welcomed members of the Youth Council to the meeting.

Councillor Stephen Robinson gave an update on the work of the task and finish group.

The group was formed in February 2014 to look at the current Youth Strategy and how it was being implemented. The current contract will run up to the end of March 2016. A new 1 year contract will be let for April 2016 to end of March 2017. Following this there will need to be a tender process to deliver the new service based on the new Youth Services Strategy from April 2017.

The Councillors on the group are Jonathan Edmunds, Emma Sims, Miranda Clifton, June Cordwell, Debbie Young and Steve Robinson.

The objectives of the group are to:

- (a) Consider a Youth Workers network
- (b) Discuss the roles of the Youth Council and the Youth Forums
- (c) Is it value for money
- (d) Role of youth clubs – to establish positive agreements
- (e) How is the Hear by Right accreditation being implemented
- (f) SDC youth funding be put into the base budget
- (g) Monitoring the outcomes of the Youth Strategy

A report on the new Youth Strategy will be considered by Committee in September 2016.

The Chairman thanked Councillor Robinson and the group for all the work they were doing.

**RESOLVED**                      **To note the update and to roll the current Youth Strategy 2015 forward to the end of March 2017.**

**CSLC.009**

**MEMBERS QUESTIONS**

None received

The meeting closed at 8.10 pm.

**Chair**

2015/16 Work Programme for Community Services and Licensing Committee

**(NB. Additional matters will be added by the Committee)**

<b>Date of meeting</b>	<b>Matter to be considered (i.e. insert report / project title)</b>	<b>Notes (e.g. lead member and officer)</b>
11.06.15	i. Work Programme 2015/16	Chair and Strategic Head Customer Services
	ii. Appointment of Performance Monitoring Representatives	Chair
	iii. Appointments to Outside Bodies	Chair
	iv. Task and Finish Group on Youth Strategy verbal update	Cllr S Robinson as lead on Task and Finish Group
03.09.15	i. Update on Appointments to Outside Bodies	Chair
	ii. Public Health Annual Report	Director of Public Health
	iii. Statement of Principles for Gambling	Principal Licensing Officer
	iv. Statement of Licensing Policy	
	v. Police and Crime Commissioner (PCC) verbal report	Annual event PCC and Community & Facilities Manager
	vi. Tree Maintenance Policy	Public Space Manager
	vii. Budget Monitoring Report 2015/16 (Q1)	Accountancy Manager
	viii. Performance Monitoring	CllrJ Jones and Cllr J Job
10.12.15	i. Budget Monitoring 2015/16 (Q2)	Accountancy Manager
	ii. Budget Proposals for 2016/17	
	iii. Verbal update on Review of Design and Tendering process for Dursley Pool Fitness Extension	Dursley Pool & Sports Centre Manager (update following a Members Information Sheet Nov 2015)
	iv. Performance Monitoring	CllrJ Jones and Cllr J Job
04.02.16	i. Budget Monitoring 2015/16 (Q3)	Accountancy Manager
24.03.16	i. Performance Monitoring	Cllr J Jones and Cllr J Job

**Information sheets**

<b>Date sent (ref no.)</b>	<b>Topic</b>	<b>Notes (e.g. responsible officer)</b>
5/6/15	Licensing Policies	Senior Licensing Officer
5/6/15	Community Services and Licensing Information Sheet	Strategic Head of Customer Services

**Forward Plan** - Report, Member Information Sheet (MIS), Task and Finish (T&F), Information Evening

<b>Date</b>	<b>Topic</b>		<b>Lead Officer/Member</b>
Sept/Oct 2015	Facilities and Community Services staff restructure (phase 2)	MIS	Facilities and Community Services Manager
22 Oct 2015	Update on Welfare Reform, Universal Credit, Social Rented Sector Room Restriction, Discretionary Housing Payments	Members Information Evening for all councillors	Chair of CS&L Committee, Strategic Head Customer Services
Nov 2015	Review of Design and Tendering process for Dursley Pool Fitness Extension	MIS	Dursley Pool & Sports Centre Manager
March 2016	Health and Wellbeing Plan annual update	MIS	Head of Environmental Health
17 March 2016	Provisional date arranged, agenda TBA	Members Information Evening	Chair of CS&L Committee, Strategic Head Customer Services
Sept 2016	Youth Strategy	Report (T&F to consider earlier date of March 2016)	Cllr S Robinson (lead on Task and Finish Group) and Senior Hear by Right Officer
TBA	County Council Health and Social Care Scrutiny Committee feedback	MIS or verbal update	Cllr D Cornell



**UPDATE ON APPOINTMENTS TO OUTSIDE BODIES – 2015/16**

<b>Organisation</b>	<b>Role of Org</b>	<b>Representatives to be appointed</b>	<b>Member interested in the vacancy</b>	<b>Committee</b>
PREMA Project Management Committee	Registered Charity - Arts Centre	One representative to be appointed	As of 31.7.15 – no nomination	Community Services and Licensing Committee
Stroud & Tetbury District Scout Council	To support Scouts in Stroud and Tetbury	Two representatives, Cllr. Liz Peters already appointed	As of 31.7.15 – no nomination - Cllr Peters also a rep.	Community Services and Licensing Committee
Supporting People Partnership Board		One representative to be appointed	Cllr Chas Townley	Community Services and Licensing Committee
The League of Friends of Stroud Hospital and Health Centre	To support Stroud General Hospital, Stroud Maternity Hospital, Beeches Green Health Centre, Park House, Weavers Croft and Stroud Ambulance Station	Two representatives to be appointed – Cllr John Marjoram already appointed	As of 22.7.15 – no nomination. Cllr John Marjoram is also Town Council representative.	Community Services and Licensing Committee

COMMUNITY SERVICES AND LICENSING  
COMMITTEE

9

03 SEPTEMBER 2015

<b>Report Title</b>	<b>BUDGET MONITOR REPORT 2015/16 Q1</b>
<b>Purpose of Report</b>	To present to the Committee a forecast of the outturn position against the revenue budget and capital programme for 2015/16.
<b>Decision(s)</b>	<b>The Committee RESOLVES</b> a) to note the outturn forecast for the General Fund Revenue budget and the Capital programme for 2015/16
<b>Consultation and Feedback</b>	Budget holders have been consulted about the budget issues in their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.
<b>Financial Implications &amp; Risk Assessment</b>	There are no financial implications directly arising from this report  Ian Garrett, Principal Accountant Tel: 01453 754344 Email: <a href="mailto:ian.garrett@stroud.gov.uk">ian.garrett@stroud.gov.uk</a>
<b>Legal Implications</b>	Due to deadline for submission of the report having expired, these comments only relate to the draft report provided as at 18 August. On the basis of such, the report is simply for noting and as such there are no legal implications  Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: <a href="mailto:karen.trickey@stroud.gov.uk">karen.trickey@stroud.gov.uk</a>
<b>Report Author</b>	Adele Rudkin, Accountant Tel: 01453 754109 Email: <a href="mailto:adele.rudkin@stroud.gov.uk">adele.rudkin@stroud.gov.uk</a>
<b>Options</b>	None.
<b>Performance Management Follow Up</b>	Budgets will continue to be monitored on a regular basis by budget holders supported by Finance. Further finance reports will update the committee in December 2015 and February 2016, with the outturn position reported to Strategy and Resources committee in June 2016.

<b>Background Papers and Appendices</b>	None
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## Background

1. This report provides the first monitoring position statement for the financial year 2015/16. The purpose of this report is to notify members of any known significant variations to budgets for the current financial year, highlight any key issues, and to inform members of any action to be taken if required.
2. **Due to the volume of information contained in the report, it would be helpful where members have questions on matters of detail if they could be referred to the report author or the appropriate service manager before the meeting**

## Revenue Budget position

3. The original net General Fund Revenue budget for 2015/16 is £15.458m as approved by Council at their meeting on 26 February 2015. This has now been revised to £15.735m after allowing for the carry forward budgets approved by Strategy and Resources committee in June 2015.

The latest budget for Community Services and Licensing Committee taking into account the carry forwards is £5.845m

4. The monitoring position for the service at 30 June 2015 shows a projected net **underspend** of **(£127K) (-2.23%)** against the latest budget, as summarised in Table 2. The overall position on the General Fund will be considered by Strategy and Resources committee at their meeting on 01 October 2015.

## Report headlines and significant variations

5. The outturn position is mainly attributable to the major items outlined below. Appendix A (pages 4x to x) provides a more detailed breakdown on the committee's budgets with an explanation of the significant variations that have arisen (a significant variation is defined as being +/- £20,000 on each reporting line).
  - **32K** Overspend in Community Safety – Income shortfall on Carline and contract renewal overspend. Overspend on abandoned vehicles.
  - **(111K)** Underspend Housing General Fund – Salary savings within Private Housing and underspend on Homelessness.
  - **(28K)** underspend in Sport & Health Development – Salary saving and a delay in launching Cycle scheme
  - **(35K)** underspend in Revenue and Benefits – Salary savings within the service.

## Areas of Risk and Uncertainty

6. The forecast outturn variance of a net **(£127K) underspend** highlighted in paragraph 4 of this report is based on known and estimated outcomes. However, there remains a degree of uncertainty with the forecast variance, either because;
- There is insufficient data available at this stage of the financial year with which to estimate an outturn position
  - There are a number of different outcomes that may occur and it is difficult to predict with a degree of certainty which outcome is more likely
  - Seasonal factors affecting income from events and activities in specific budget areas (e.g. Subscription Rooms, Dursley Pool and Sports Centre), or the overall position of the local economy and the effect on income generation.
7. Listed below are the main areas of risk and uncertainty associated with the outturn forecast.
- **Dursley Pool** - Scheduled construction works associated with the new extension are taking place throughout the year. This is expected to adversely impact on the level of income that has currently been budgeted. A more accurate forecast showing how the budget will be impacted will be communicated as more information regarding the actual pool closure times becomes available.

## Capital Programme

8. The Committee's 2015/16 Capital Programme of £1.802m was approved by Council in January 2015. This has subsequently been revised to £1.973m following approval of the carry forwards/slippage and profiling changes by Strategy and Resources Committee at their meeting in June 2015.
9. Table 3 below shows the capital monitoring position at the end of June 2015 and shows all Community Services Capital Schemes on target. Whilst the level of capital spend for the first 3 months of the year is relatively low, the overall delivery of the capital programme remains on track, with significant spend budgeted for the Dursley Pool Fitness Extension.

**Table 3 – Capital Outturn Forecast**

Community Services Capital Schemes	2015/16 Original Budget (£'000)	2015/16 Latest Budget (£'000)	2015/16 Projected Outturn (£'000)	2015/16 Outturn Variance (£'000)
LA Social Housing	72	72	72	0
Private Sector Housing Strategy	340	401	401	0
Dursley Pool Fitness Extension	1,250	1,336	1,336	0
Walled Garden project (MITP)	140	164	164	0
<b>TOTAL CS&amp;L Capital</b>	<b>1,802</b>	<b>1,973</b>	<b>1,973</b>	<b>0</b>

## Appendix A

Community Services Committee	Para Refs	2015/16 Original Budget (£000)	2015/16 Latest Budget (£000)	2015/16 Projected Outturn (£000)	2015/16 Projected Variance (£000)	Salary Variations (£000)	Expenditure Variations (£000)	Income Variations (£000)
Head of Community Safety		0	0	0	0	0	0	0
Community Safety		428	439	471	32	0	16	16
Youth Services		90	119	119	0	0	0	0
Grants to Voluntary Organisations		337	337	337	0	0	0	0
Housing (General Fund)		660	661	549	(111)	(25)	(46)	(40)
Licensing		(66)	(66)	(53)	13	0	0	13
Strategic Head (Customer Services)		195	195	195	0	0	0	0
Customer Services		386	386	387	1	(6)	7	0
Cultural Svcs - Arts and Culture		892	892	886	(6)	1	(2)	(5)
Cultural Svcs - Sport & Health Dev.		157	189	161	(28)	(18)	(10)	0
Cultural Svcs - Sports Centres		1,062	1,152	1,159	7	0	(9)	16
Public Spaces		1,138	1,138	1,138	0	0	0	0
Revenues and Benefits		405	405	370	(35)	(35)	0	0
<b>Community Services TOTAL</b>		<b>5,683</b>	<b>5,845</b>	<b>5,718</b>	<b>(127)</b>	<b>(82)</b>	<b>(45)</b>	<b>(0)</b>

## COMMUNITY SERVICES AND LICENSING COMMITTEE

### 10. Community Safety – 32k Overspend

(Mike Hammond xtn 4447, [mike.hammond@stroud.gov.uk](mailto:mike.hammond@stroud.gov.uk))

An Income shortfall of **£16k** from Careline has been identified. This decrease is due to the number of users who have been moved over to the free Telecare service provided by the County Council. The renewal of the Careline equipment maintenance contract has resulted in a **£13k** overspend. An anticipated overspend of **£15k** in abandoned vehicles removals & storage costs; these charges are now being pursued with GCC, along with other authorities who are experiencing similar costs. Small overspend of **£2k** across the service has also been identified.

A small underspend of **(£14k)** has been identified relating to CCTV budget.

### 11. Housing General Fund – (£111k) Saving/Underspend

(Jon Beckett xtn 4443, [jon.beckett@stroud.gov.uk](mailto:jon.beckett@stroud.gov.uk))

(Philip Bishop (Homelessness) xtn 4065, [philip.bishop@stroud.gov.uk](mailto:philip.bishop@stroud.gov.uk))

The overall underspend is made up of several variances as detailed below.

A **salary saving** of **(£25k)** has been identified within Private Housing; several members of staff are now working on a part time basis, these posts currently being reviewed within the structure. There is a **(£15k)** underspend that relates to the Gardening Assistance Scheme. Funding was set aside to help fund a home improvement agency to deliver this scheme; however this scheme has been discontinued as the agency could no longer fulfil this role. A further **(£11.4k)** saving has been identified on non-pay expenditure budgets.

An underspend of **(£20K)** has arisen on homelessness; this is attributable to the recovery rate for bed and breakfast costs being at a higher level than estimated.

The remaining underspend of **(£40k)** is within homelessness prevention, where deposits are paid to help households threatened with homelessness, with the payments then being recovered at a later date. The payments are made from previous Government grant, which is recycled year on year through collection of the reimbursements with any surplus being carried over to the next financial year for reuse. The recovery process has been improved over the last year, resulting in a higher level of income being obtained. The Government funding for this activity ended in 2014/15, meaning that these reimbursements will become more important to the operation of the service going forward.

### 12. Cultural Svcs – Sport & Health Development – (£28k) Underspend

(Jane Bullows xtn 4322, [jane.bullows@stroud.gov.uk](mailto:jane.bullows@stroud.gov.uk))

The variance is made up of the following items:

- **(£8k)** external funding for Cycling Scheme, this may remain underspent as there has been a further delay in launching of the scheme and will be carried forward to next year.
- **(£17.6k)** temporary saving has been identified within the staffing budget due to Health & Wellbeing officer's post falling vacant for 6 months.
- Small savings of **(£2.4K)** across the service have also been identified.

**13. Revenues and Benefits – (£35k) underspend**

(Simon Killen xtn 4013, [simon.killen@stroud.gov.uk](mailto:simon.killen@stroud.gov.uk))

A projected salary underspend of **(£35k)** is due a number of vacancies within the team, and the use of 'Civica on Demand' service to manage fluctuations in workload rather than employing agency staff. Funding has been awarded from the FERIS project, which has been used to cover costs associated with the use of 'Civica on Demand'.

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES AND LICENSING**  
**COMMITTEE**

**AGENDA**  
**ITEM NO**

**10**

**3 SEPTEMBER 2015**

<b>Report Title</b>	<b>Stroud District Council's Statement of Principles under the Gambling Act 2005</b>
<b>Purpose of Report</b>	To provide information that will allow Committee to recommend adoption by Council of a Statement of Principles. The Statement will outline the principles Stroud District Council will apply when exercising its functions under the Gambling Act 2005 for the 3 year period commencing January 2016 when the current Statement expires.
<b>Decision(s)</b>	To <b>RECOMMEND TO COUNCIL</b> that the Council's Statement of Principles following amendment in accordance with this Report be adopted as the Council's Gambling Act 2005 Statement of Principles
<b>Consultation and Feedback</b>	In accordance with statutory requirements, public consultation (including consultation with responsible authorities, licence-holders, trade, business and resident representatives) took place between 15 June 2015 and 21 August 2015.
<b>Financial Implications and Risk Assessment</b>	There are no direct financial implications arising from the report.  Ian Purcell, Senior Accounting Technician Tel: 01453 754141 Email: <a href="mailto:ian.purcell@stroud.gov.uk">ian.purcell@stroud.gov.uk</a>



<b>Legal Implications</b>	<p>Section 349 of the Gambling Act 2005 (the Act) requires the Council as a licensing authority to prepare and publish a Statement of the Principles which it proposes to apply to the exercise of its functions under the Act.</p> <p>The Council must ensure that the Statement complies with the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 (2006 No. 636), which include a requirement to publish the Statement (or any revision to it) at least 4 weeks prior to it coming into effect.</p> <p>The Council should take into account all consultation responses received before finalising the Statement of Principles.</p> <p>Following adoption, the Council has a duty to keep the Statement of Principles under to review and to make such amendments to it as it deems to be necessary from time to time.</p> <p>Mike Wallbank Solicitor Tel: 01453 754362 E-Mail: <a href="mailto:mike.wallbank@stroud.gov.uk">mike.wallbank@stroud.gov.uk</a></p>
<b>Report Author</b>	<p>Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: <a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a></p>
<b>Performance Management Follow Up</b>	<p>The Council must keep its Statement under review and make such revisions to it at such times as it considers appropriate.</p>
<b>Background Papers/ Appendices</b>	<p><b>Appendix 1</b> - Schedule of consultation comments and responses and recommended changes to the Statement.</p>

## 1 Introduction

- 1.1 Under the Gambling Act 2005 the Council as the Licensing Authority is responsible for issuing and enforcing licences, permits and notifications under the Act. These include:
- Licences for premises where gambling activities take place such as betting shops and arcades.
  - Permits and notifications for gaming machines.
  - Registrations for small society lotteries.
- 1.2 There are only a small number of licensed premises under the Gambling Act 2005 in Stroud District. These are 6 Betting Shops and 3 Adult Gaming Centres. There have been no hearings with regard to the Gambling Act 2005 at Stroud District Council.
- 1.3 Section 349 of the Gambling Act 2005 requires a Licensing Authority to determine a Statement of Principles at least once every three years. This Statement must be adopted and published before the Authority carries out any licensing functions under the Act.

## 2 Stroud District Council's Statement of Principles

- 2.1 Stroud District Council's current Statement of Principles under the Gambling Act 2005 came into force on 31 January 2013 and will expire on 31 January 2016.
- 2.2 The Gambling Commission issues guidance to Licensing Authorities which includes the fundamental principles that should be included in the Statement. Although minor amendments have been made to the Statement to ensure it is up to date, the Council still needs to review the policy taking account of responses to the formal public consultation between 15 June 2015 and 21 August 2015. In addition, all Members received a link to the consultation document and were invited to comment on the proposed policy.
- 2.3 All consultation comments received were considered by a working party made up of the Principal Licensing Officer, a Council Solicitor and the Chair of Community Services and Licensing Committee. The consultation comments and the working party's responses and recommendations to them are shown in **Appendix 1**.
- 2.4 The Council's Statement that was consulted on is available on the Council's website at <https://consultation.stroud.gov.uk/>. It is recommended that this statement, with the amendments as detailed in the final column of the appendix, are adopted.
- 2.5 As it is a requirement of the Gambling Act 2005 that the Statement of Principles is adopted by Full Council, Committee is requested to

recommend to Council that the revised Statement be adopted when it meets on 15 October 2015.

- 2.6 The Gambling Act 2005 (Licensing Authority Policy Statement Regulations 2006) state that a Local Authority must publish the Statement at least 4 weeks before it comes into effect and also publish a notice advertising the date of commencement and details of where the Statement can be inspected. Subject to the Committee's agreement and subsequent adoption of the Statement by Council, it is proposed that the revised Gambling Act 2005 Statement of Principles comes into force on 31 January 2015 when the existing Statement will expire.

# Appendix 1

## Gambling Statement - Schedule of Consultation Responses and Working Party Comments Consultation Period 14 June – 21 August 2015

	Consultee details	Consultee Comments	Working Party Assessment	Working Party Recommendation
1	<b>Rachel Andrew Principal Licensing Officer</b>	<p>The Licence Conditions and Codes of Practice issued by the Gambling Commission were updated in April 2015. They introduce new responsibilities on operators to assess the local risks to the licensing objectives arising from each of their premises and to have policies, procedures and control measures to mitigate them. The Councillor Handbook issued by the Local Government Association in June 2015 recommends that licensing authorities should set out their expectations of operators risk assessment in their statements and guidance on how regularly they expect to receive a copy. To take account of this a new paragraph could be added to Stroud District Council's draft statement in Part B, Para 2.2 (which is about applications for premises licences) as follows: <i>'When making a new premises licence application, an application to vary a premises licence, an application to transfer a premises licence, or there are significant changes at the premises or location that may effect the licensing objectives, the Council expects the applicant or licence holder to undertake a risk assessment of the premises in relation to local risks to the licensing objectives. A copy of this risk assessment should be submitted with the application. This risk assessment should explain how the licence holder will monitor risks and mitigate them and could include staffing arrangements, security features and how the premises will implement the mandatory and voluntary conditions and codes of practice</i></p>	<p>This comment is in line with the Licensing Objective of protecting children and vulnerable persons from being harmed or exploited. Adding a new paragraph to Stroud District Council's statement will enable the authority to request a copy of a premises risk assessment in line with LGA guidance which is based on the current draft revised guidance to be issued later in the year by the Gambling Commission</p>	<p>Stroud District Council's Statement is amended as put forward in consultee comments</p>
2	<b>Coral Racing Ltd</b>	See attached Letter	Response of working party to follow	Recommendation of working party to follow

Rachel Andrew  
Principal Licensing Officer  
Stroud District Council  
Council Offices  
Ebley Mill  
Stroud  
Gloucestershire  
GL5 4UB

20<sup>th</sup> August 2015

Dear Rachel

## **Consultation on Stroud District Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are broadly supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We kindly note that the Council should not take into account of any moral objections to gambling either.

Coral Racing Limited further recognise the requirement to supply risk assessments with future applications following the consultation completion.

Coral Racing Limited politely highlight details within the 'Location' section (Item 2.5) regarding the proximity of the proposed location to certain areas. Whilst the Council will correctly judge each application on its merits, areas which are noted as raising concern are listed as schools, vulnerable adult centres & residential areas with a high concentration of families and children.

- Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.



**Coral Racing Limited**

One Stratford Place, Montfichet Road, London E20 1EJ

Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT

Registered in England No. 541600

Tel: 020 3288 7000 Fax: 020 3288 7050

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a  company

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with every bookmaker, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,



John Liddle  
Director of Development – Coral Retail

**STROUD DISTRICT COUNCIL**  
**COMMUNITY SERVICES AND LICENSING**  
**COMMITTEE**

**AGENDA**  
**ITEM NO**

**11**

**3 SEPTEMBER 2015**

<b>Report Title</b>	<b>Stroud District Council's Statement of Licensing Policy under the Licensing Act 2003</b>
<b>Purpose of Report</b>	To provide information that will allow Committee to recommend adoption by Council of a Statement of Licensing Policy. The Statement will outline the principles Stroud District Council will apply when exercising its functions under the Licensing Act 2003 for a 5 year period commencing January 2016 when the current Statement expires.
<b>Decision(s)</b>	To <b>RECOMMEND TO COUNCIL</b> that the Council's Statement of Policy following amendment in accordance with this Report be adopted as the Council's Licensing Act 2003 Statement of Licensing Policy.
<b>Consultation and Feedback</b>	In accordance with statutory requirements, public consultation (including consultation with responsible authorities, licence-holders, trade representatives, businesses and resident representatives) took place between 15 June 2015 and 21 August 2015.
<b>Financial Implications and Risk Assessment</b>	There are no direct financial implications arising from the report.  Ian Purcell, Senior Accounting Technician Tel: 01453 754141 Email: <a href="mailto:ian.purcell@stroud.gov.uk">ian.purcell@stroud.gov.uk</a>

<p><b>Legal Implications</b></p>	<p>Section 5 of the Licensing Act 2003 (the Act) provides that a licensing authority must produce and publish a statement of its licensing policy at least every five years and that this policy must be published before the authority carries out any function in respect of individual applications or notices made under the terms of the Act. As such, the Council cannot fulfil its licensing functions at any time when a licensing policy is not in force. The policy should comply in terms of format and content with the requirements of the Act and the statutory guidance thereto.</p> <p>The Council should take into account all consultation responses received before finalising the policy.</p> <p>Following approval, the Council has a duty to keep its licensing policy under to review and to make such amendments to it as it deems to be necessary from time to time.</p> <p>Mike Wallbank Solicitor Tel: 01453 754362 E-mail: <a href="mailto:mike.wallbank@stroud.gov.uk">mike.wallbank@stroud.gov.uk</a></p>
<p><b>Report Author</b></p>	<p>Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: <a href="mailto:rachel.andrew@stroud.gov.uk">rachel.andrew@stroud.gov.uk</a></p>
<p><b>Performance Management Follow Up</b></p>	<p>The Council must keep its Policy under review and make such revisions to it at such times as it considers appropriate.</p>
<p><b>Background Papers/ Appendices</b></p>	<p><b>Appendix 1</b> – Schedule of consultation comments, responses and recommended changes to the policy.</p>



## 1 Introduction

- 1.1 Under the Licensing Act 2003 the Council as the Licensing Authority is responsible for administering and enforcing a range of licensing activities including:
- The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment.
- 1.2 Section 5 of the Act requires a Licensing Authority to determine and publish a Statement of its Licensing Policy at least once every five years. This Policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.3 The purpose of the Licensing Policy is to give guidance to applicants, licence holders, local residents and local businesses on how the Licensing Authority will make its decisions under the Licensing Act 2003. In particular it lays out the Licensing Authority's policy for decisions when there has been representation or objection against an application or a request has been made to review an existing licence.

## 2 Stroud District Council's Statement of Licensing Policy

- 2.1 Stroud District Council's current Statement of Licensing Policy was published in January 2011. At that time the legislation required policies to be republished every 3 years. However this has now been changed to every 5 years which means that our current policy will expire on 7 January 2016.
- 2.2 Under Section 182 of the Licensing Act 2003 the Home Office issues Guidance on the Licensing Act 2003. This includes guidance on the development and preparation of local Statements of Licensing Policy and recommends general principles and content. Although minor amendments have been made to the policy to reflect the most recent Home Office Guidance that was issued in March 2015, the Council still needs to review the policy taking account of responses to the formal public consultation between 15 June 2015 and 21 August 2015. In addition, all Members received a link to the consultation document and were invited to comment on the proposed policy.
- 2.3 All consultation comments received were considered by a working party made up of the Principal Licensing Officer, a Council Solicitor and the Chair of Community Services and Licensing Committee. The consultation comments and the working party's responses and recommendations to them are shown in **Appendix 1**.

- 2.4 The Council's Statement that was consulted on is available on the Council's website at <https://consultation.stroud.gov.uk/>. It is recommended that this statement, with the amendments as detailed in the final column of the appendix, are adopted.
- 2.5 As it is a requirement of The Licensing Act 2003 that the Statement of Licensing Policy is adopted by Full Council, Committee is requested to recommend to Council that the revised policy be adopted by Council when it meets on 15 October.
- 2.6 The Licensing Act 2003 states that the Statement of Licensing Policy must be published a month before it comes into effect. The revised Licensing Policy will be published on the Council's website and available in hard copy on request to the Licensing Section. Subject to the Committee's agreement and subsequent adoption of the policy by Council, it is proposed that the revised Statement of Licensing Policy comes into force on 7 January 2016 when the existing policy will expire.

**Licensing Policy - Schedule of Consultation Responses and Working Party Comments  
Consultation Period 14 June – 21 August 2015**

	<b>Consultee</b>	<b>Consultees Comments</b>	<b>Working Party Assessment</b>	<b>Working Party Recommendation</b>
<b>1</b>	<b>Cllr Chas Townley</b>	Thanks for the opportunity to comment on the draft policy. As you will note I am seeking significant changes to the existing policy which I consider in need for significant change. I note that the policy is due to be considered by the Community Services and Licensing Committee, I trust, however, that there will be a members seminar at which these and other issues can be explored, perhaps with other stakeholders.	The members and other stakeholders all have opportunity to make comment during this consultation period. The working party have considered whether there is merit in holding an informal meeting with members prior to the September Committee meeting however it was concluded that due to the time constraints, and the fact that there has only been comment from two members so far, that this may not be practical or productive. There will be opportunity for debate on any issues brought up during consultation at the Committee meeting in September. However, we must have a final decision at this meeting in order to be able to put the policy before Council in October 2015 and publish in January 2016.	In order that Council can continue to operate its functions under the Licensing Act 2003 Committee must agree a final draft at September Committee. Further review and adoption of a revised policy can be done at anytime during the life cycle of the policy. If Committee feels it wants to have a major overhaul of the statement it should put forward that there is a further review next year so giving us time to work on it again and reconsult.
<b>2</b>	<b>Cllr Chas Townley</b>	Statutory Licensing Objectives- The statutory guidance refers to other licensing objectives (para 1.5 stat guidance) and perhaps particularly those about protecting the community should be reflected in the policy.	There are aims in the statutory guidance that are relevant and can be included in the policy	Add the following to the policy after paragraph 1.8 <i>"1.9 Stroud District Council will also actively seek to promote key aims laid out in the Guidance issued by the Secretary of State including:</i> <ul style="list-style-type: none"> <li><i>• protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;</i></li> <li><i>• giving the police and licensing</i></li> </ul>

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				<p><i>authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;</i></p> <ul style="list-style-type: none"> <li><i>• recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;</i></li> <li><i>• providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and</i></li> <li><i>• encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.”</i></li> </ul>
<b>3</b>	<b>Cllr Chas Townley</b>	<p>Paragraph 1.8 (misnumbered after 1.9). The policy needs to be clearer about the representative bodies it would encourage and recognise as representing public views. For example CAMRA. Trade Unions representing the licensed and allied trades, bodies with an interest in child welfare and safety eg Safeguarding Bodies, NSPCC. I personally would favour some form of Licensing Forum (as provided in the</p>	<p>Numbering will be corrected</p> <p>A more detailed list of consultees is shown in Appendix D to the policy. From past experience national bodies such as CAMRA and Trade Unions are unlikely to comment on individual local authority policies and instead tend to lobby Government for national changes. However we have now included CAMRA in the consultee list.</p>	<p>Paragraph 1.12 to be amended to add “See Appendix D”.</p> <p>Committee to consider whether they want a Licensing Forum set up and if so what individuals and bodies it should comprise of how the forum would function and what its terms of reference should be. This could be discussed at September Committee. This Forum could consider a range of</p>

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		<p>Scottish legislation) to review and monitor the Council's licensing policies.</p>	<p>Gloucestershire safeguarding is already included as a consultee in Appendix D. We have also consulted some national bodies such as Association of Licensed Multiple Retailers and British Beer and Pub Association. Generally we have tried to consult with bodies that have an interest or connection with premises in Stroud District such as solicitors that have represented local applicants and some of the national supermarket chains that have premises in our area.</p>	<p>SDC licensing policies such as taxi and private hire licensing, street trading as well as Licensing Act and Gambling Act. The forum could operate on an adhoc basis when there are issues to discuss and could then make recommendations to the Committee</p>
4	<b>Cllr Chas Townley</b>	<p>Paragraph 1.11 and 1.12. Redefine 'immediate vicinity' to 'neighbourhood' and clearly define in the policy the expectations for licences to promote good behaviour in the neighbourhood. Attention is drawn to the widespread meaning of neighbourhood in terms of Council tenancy enforcement and if alcohol related anti-social behaviour (including domestic abuse) can be connected to specific premises this should be capable of being taken account of in licence reviews</p>	<p>Paragraphs 1.11 and 1.12 in our policy are referring to antisocial behaviour of individuals once away from the premises and states that conditions should focus on matters within the control of the licence holder and within the premises and its vicinity. The Guidance issued by the secretary of state par 1.16 states that conditions cannot manage behaviour of customers once beyond the direct management of the licence holder. Additionally in 2.20 it says that beyond the immediate area surrounding premises are matters for the personal responsibility of individuals under the law. Changing vicinity to neighbourhood would therefore conflict with the legislative guidance, leave SDC exposed to judicial review proceedings and undermine the licensing policy as a whole.</p>	<p>No amendment</p>

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5	<b>Cllr Chas Townley</b>	<p>Cross enforcement of other council powers and other public authorities is a relevant and suitable way for the Council to ensure that premises are operated safely and lawfully. Suggest that there is added on the end "Where relevant cross compliance would contribute to the statutory licensing objectives the Council will include 'informatives' in the licence drawing attention to other matters that the licence holders should pay attention to and who is the enforcing agency.</p>	<p>The layout and content of the licence is prescribed in statutory regulations and provides no power to add informatives to the licence. Indeed it encourages Licensing Authorities to only have conditions that are clear and enforceable and to not duplicate other legislation. Therefore we are legally unable to add anything extra on the licence. The Licensing Team and/or the Hearing Panel can and indeed do give advice either verbally or written.</p> <p>Cross enforcement does take place and this is referred to in the Enforcement Section of the policy paragraph 11.1 which is about liaising with partner agencies.</p>	<p>An extra paragraph to be added after 11.1 to further explain cross enforcement with other services in the Council</p> <p><i>"11.2 Where appropriate the Licensing Authority may also undertake joint enforcement investigations and/or share information with other services within Stroud District Council such as planning, environmental health and food safety"</i></p> <p>Develop a fact sheet which reminds licence holders of other requirements and contact details, for example planning permission, registering food premises, obtaining PRS licences etc, however it must be emphasised that it is not exhaustive and it is the licence holder/applicants responsibility to ensure they have all the correct permissions in place.</p>
6	<b>Cllr Chas Townley</b>	<p>Paragraph 2.5 I am extremely uncomfortable with this expectation which requires licensees become a member of BOBS as the arrangements for BOBs and the linked 'Stroud /Gloucester Safe' schemes privatises the punishment of offenders with no proper regulation by a competent Court. Given the wide ranging impact of the penalties they impose they can have significant impacts on the liberties</p>	<p>The BOBs scheme is supported by the Police as a tool to help in the prevention of crime and disorder. As well as being a system for banning trouble makers the BOBs group also have meetings that are attended by the Police and Licensing where crime and disorder issues can be discussed. A condition such as this would not be ultra vires where applied appropriately because it could relate directly to the prevention of crime licensing</p>	<p>Committee to debate and make decision at September committee whether this should be included in the policy</p>

## Appendix 1

		of citizens. As such it would appear that this condition applied as a licence condition is likely to be ultra-vires under Article 6 of the European Convention of Human Rights. This approach is also contrary to the statutory guidance which only encourages communication systems	objective.	
7	<b>Cllr Chas Townley</b>	I think the Council's approach to the Statutory Licensing Objectives should be radically reviewed to properly reflect the guidance set out in the Government guidance on all licensing objectives.	Some further explanation on the radical changes considered necessary would be welcome. If the Committee feels that the policy needs a major overhaul then this could be done next year. See response to point 1	Committee to consider whether it wishes to radically review the policy again before the end of its 5 year expiry
8	<b>Cllr Chas Townley</b>	Protection of Public Nuisance Paragraph 4.1 etc – Given the statutory guidance on relevance of noise nuisance this policy should be beefed up to ensure that The Council as environmental health authority will consider the adequacy of proposed conditions to avoid noise nuisance and other matters and if not officers are not satisfied submit a formal objection to the license to ensure that the Council's discretion to consider relevant matters on protection of nuisance are engaged.	The Noise Section of Environmental Health are a responsible authority in their own right, like the Police, Fire and planning. There needs to be a separation of responsibilities under the Act between the Licensing Section and other responsible authorities to ensure that there cannot be any appearance of bias or decisions agreed prior to a hearing. If the Licensing Policy appears to be influencing the responsible authority or encouraging them to make representations this could be seen as bias and must be avoided. This amendment is therefore not advisable.	No amendment
9	<b>Cllr Chas Townley</b>	Paragraph 5.1 The encouragement of the Gloucestershire Children's Safeguarding Board involvement in licensing is to be welcomed and encouraged, however, its questionable	The fees are set nationally so there is no scope for increasing them to pass extra funds onto other authorities. The responsible authorities to which applicants must forward applications are specifically	No amendment

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		<p>whether an under resourced and overstretched County Council service has the capacity to undertake this work. Perhaps if it is felt that this would be beneficial perhaps an issue for consideration is whether the fees charged by the Council need to reflect the input of specific official commentators. Whilst the licensing statutory licensing objectives don't appear to highlight vulnerable adults it is possible that consideration should be given to including Adults Safeguarding boards to this area.</p>	<p>laid out in the legislation. They include a body responsible for protecting children from harm but do not include adult safeguarding. There is no provision locally to add extra responsible authorities. However we have included Gloucestershire Adult Safeguarding Board in the consultation on the policy.</p>	
10	<b>Cllr Chas Townley</b>	<p>Paragraph 6 Appears to under play the relevance of wider policy objectives that can be pursued. For example the Wandsworth LB licensing policy states " In formulating the licensing policy the Licensing Authority has had regard to local crime prevention, planning, cultural and alcohol strategies and seeks to complement the aims of those strategies" This policy can be found at <a href="http://www.wandsworth.gov.uk/downloads/file/3994/licensing_policy_2014_-_2019">http://www.wandsworth.gov.uk/downloads/file/3994/licensing_policy_2014_-_2019</a> It has an appendix which summarises policies from the Corporate Business Plan, as well as Crime and Disorder Policies, Drug and Alcohol Action Team, Planning Policies, Cultural Strategy.</p>	<p>Stroud District Council's Health and Wellbeing plan and Gloucestershire Health and Wellbeing Board's strategy both have an aim of reducing harm from alcohol and so could be relevant. However we need to ensure that the aims in these strategies are within the scope of the Licensing Objectives</p>	<p>A paragraph to be added after paragraph 1.13 stating:  <i>"1.14 In formulating the licensing policy the Licensing Authority has had regard to Stroud District Council's Health and Wellbeing Plan and Gloucestershire Health and Wellbeing strategy and, where they link into the Licensing Act objectives, seeks to complement the aims of those strategies"</i></p> <p>At September Committee members can put forward any other strategies they feel that are relevant and agree to be included</p>



<p><b>11</b></p>	<p><b>Cllr Chas Townley</b></p>	<p>A glowing gap in English Licensing Policy is the Scottish statutory licensing objective “protecting and promoting public health” and the Council should explore how to incorporate this approach into the Council’s licensing policy either through the use of the English Statutory Licensing Objectives or by linking to local policies of the Director of Public Health or other local bodies. This could also include emphasis on not serving people who are drunk and also ensuring that all premises freely provide tap water. Examples of How Councils in Scotland have defined this licensing objective can be found at <a href="http://www.argyll-bute.gov.uk/sites/default/files/licensing_policy_2013_-_2016.pdf">http://www.argyll-bute.gov.uk/sites/default/files/licensing_policy_2013_-_2016.pdf</a> and <a href="http://www.glasgow.gov.uk/CHttpHandler.ashx?id=17578&amp;p=0">http://www.glasgow.gov.uk/CHttpHandler.ashx?id=17578&amp;p=0</a> both appear to focus on encouraging licensees to encourage responsible drinking which would appear to be a legitimate objective of licensing policy in the English context.</p>	<p>The Government have considered the addition of a public health objective but so far have chosen to not adopt this although they have made public health a responsible authority. It is generally considered that if public health has concerns it will come under the crime and disorder objective. Generally this might be evidenced through hospital and A &amp; E admissions. The local hospitals are working to get and record better information about those who may be admitted for alcohol related reasons however the difficulty is in attributing this to particular premises. By including a reference to Gloucestershire Health and Wellbeing strategy (see response to paragraph above) we are linking to Gloucestershire Public Health who are part of the Health and Wellbeing Board.</p> <p>Under the Licensing Act, not serving to people who are drunk and providing free tap water are the law and should not need to be replicated in the policy. There also are a large number of mandatory conditions attached to all licences that relate to responsible drinking and therefore again we feel do not need to be repeated in the policy.</p>	<p>No amendment</p>
<p><b>12</b></p>	<p><b>Cllr Chas Townley</b></p>	<p>A developing area is the web based/mail order delivery of alcohol and the Council should consider how this is addressed in its licensing policy.</p>	<p>We agree that this is an area that is developing. For example we have had a number of applications from on-line hamper companies running from domestic properties and want to include a bottle of</p>	<p>Add a paragraph to the policy under the Protection of Children from Harm section after para 5.3 stating that, <i>“5.4 The Council recognises the potential risk to children from mobile</i></p>

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			champagne or wine in the sale. There is information about such sales in the Guidance issued by the Secretary of State however one of the key issues that we have found that is not covered in the Guidance is how the licence holder can ensure that alcohol is not sold to under 18s and that the alcohol is not delivered to a person under 18.	<i>, remote, internet and other delivery sales of alcohol being made to or accepted on the doorstep persons under 18. The Council expects applicants for internet and delivery alcohol sales to explain in their application how they will ensure that sales and deliveries are only made to persons over 18. This could include checks whilst taking bookings and ensuring a signature of a responsible adult on delivery."</i>
<b>13</b>	<b>Councillor John Jones</b>	It would be useful if some constraints could be introduced regarding late night firework displays, particularly on TEN applications, and also the use of lanterns being flown at events such as wedding receptions or late night parties covered by a TEN. I receive comments on a regular basis, particularly regarding the flying lanterns, that have been proved to cause damage to livestock through ingestion, and in one case locally, a barn was apparently thought to be set on fire by a lit lantern landing on it. If fireworks are to be let off late at night, other than perhaps at the New Year, party organisers should be encouraged to notify local residents of their intention to do so	Fireworks and lanterns are not a licensable activity under the Licensing Act 2003 and therefore we do not have the legal power to make any constraints under Temporary Event notices or premises licences. It is not therefore something that can be included in the Licensing Policy. However the working party agreed that this is an area of concern.	Raise public awareness in Stroud District of the dangers and nuisance caused by lanterns and fireworks eg through information on our website, SDC newsletter to householders, press release etc
<b>14</b>	<b>Whiteshill and Ruscombe Parish Council</b>	Whiteshill and Ruscombe Cllrs noted this consultation and resolved to make no comments		No amendment

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15	<b>Stroud Town Council</b>	We wish to support Cllr Chas Townley's well considered response, with the exception in paragraph 1.11 and 1.12 (line1). It was felt this should be changed from 'immediate vicinity' to just 'vicinity':	See responses to Chas Townley's points 1 – 12 above. Point 4 considers 'immediate vicinity'.	No amendment
16	<b>Dursley Town Council</b>	<p>The town councillor voted at the Planning Committee meeting on the 18th August to broadly support the policy following with the following comment:</p> <p>4.4 ix) “any history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees. (Similarly cognisance will be taken of any evidence showing good management and no previous nuisance complaint history.”</p> <p>Councillors would like clarification on who would be responsible for proving such a nuisance complaint and how would a nuisance complaint be proven against an individual premises.</p> <p>The town councillors look forward to this report being used in future licensing applications within Dursley.</p>	Generally nuisance complaints are investigated by the Environmental Health Protection Section. They have power under the Environmental Protection Act 1990 to issue an abatement notice if a statutory nuisance is proven. Proving a statutory nuisance will require evidence such as log sheets compiled by residents, recording equipment installed in residents' properties or Officer monitoring.	No amendment

<p>17</p>	<p><b>Chair of Gloucestershire Safeguarding Board</b></p>	<p>Section 5 of the policy is entitled Protection of Children from Harm.</p> <p>Part 1 of the Care Act 2014 came into force on 1st April 2015 which placed Adults at Risk on a statutory footing. The policy would benefit from an acknowledgement and recognition that Adults at Risk are in the community and are vulnerable and need to be protected like children. I appreciate adults are able to drink/gamble but nevertheless there are adults who are at risk of abuse and this risk could be escalated by alcohol.</p> <p>I appreciate that other local authority policies may not include adults at this time but it would be good practice to include them in any review of existing policies where the risk to children is already acknowledged.</p>	<p>The Council acknowledges that there are vulnerable adults in the community that need protection however the objectives under the Licensing Act 2003 only include protection of children from harm and therefore there is no scope to extend this to adults</p>	<p>No amendment</p>
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## COMMUNITY SERVICES &amp; LICENSING COMMITTEE

3 SEPTEMBER 2015

**12**

<b>Report Title</b>	<b>Tree Management Policy</b>
<b>Purpose of Report</b>	To consider the adoption of a Management Policy in respect of the Council's tree stock.
<b>Decision(s)</b>	<b>The Committee RESOLVES to accept the report and to adopt the proposed Tree Management Policy (Appendix A).</b>
<b>Consultation and Feedback</b>	Officers from those Services with responsibility for the maintenance of Council owned trees (Public Spaces, Tenant Services, Asset Management and Facilities), the Council's Senior Arboricultural Officer and the Chairs' of the Housing and Community Services Committees have been consulted regarding the proposed policy. Feedback has been received from these consultees, which has informed the contents of the policy.
<b>Financial Implications and Risk Assessment</b>	There are no financial implications arising directly from this report  Ian Garrett Principal Accountant Tel: 01453 754344 <a href="mailto:ian.garrett@stroud.gov.uk">ian.garrett@stroud.gov.uk</a>
<b>Legal Implications</b>	The Council has a duty of care to ensure that trees in its ownership are managed in accordance with relevant legislation and in a manner that ensures public safety and minimises risk to property. The draft policy is not inconsistent with current tree preservation legislation, however, persons responsible for the carrying out of works to trees should ensure that they keep up to date with the latest legislation, particularly with regard to trees subject to tree preservation orders and those situated within conservation areas. The policy should be kept under regular review in order to ensure that it incorporates changes to the law as soon as possible after they take effect.  Mike Wallbank Solicitor Tel: 01453 754362 <a href="mailto:mike.wallbank@stroud.gov.uk">mike.wallbank@stroud.gov.uk</a>

<b>Report Author</b>	Mark Graham Public Spaces Officer Tel: 01453 754549 mark.graham @stroud.gov.uk
<b>Chair of Committee</b>	<b>Note: This is only to be completed for reports that are going to meetings of the full Council.</b>  Councillor Chair of [Committee Name] Tel: Email: @stroud.gov.uk
<b>Options</b>	Please set out details of any options considered
<b>Performance Management Follow Up</b>	Policy to be reviewed every 3-5 years or when there are major changes to legislation or best practice in respect of tree management
<b>Background Papers/ Appendices</b>	Appendix A – Draft Tree Policy Appendix B – Rational

## INTRODUCTION

1. Trees are living things, they change with the seasons and grow with the years; this is part of their beauty. Sometimes it is necessary to carry out work on a tree to repair damage or make the tree safe. However ongoing work which aims to unnaturally restrict the size and shape of a tree can be counterproductive, resulting in the tree producing more vigorous growth in response, or becoming unsafe as a result of aggressive pruning.

## BACKGROUND

2. Stroud District Council owns in the region of 3000 individual trees, 100 tree belts/groups, 5 woodlands and a number of closed church yards and cemeteries which contain mature and over mature trees. The Council also has some residual responsibility for tree safety on sites which it owns but doesn't manage directly.
3. Council trees are managed by Officers from Public Spaces, Tenancy Services, Asset Management and Estates. The Council receives in the region of 250 enquires each year from members of the public requesting works to be carried out on Council owned trees. These requests may be prompted by fears that the tree is unsafe, or because the tree is perceived to be causing a nuisance of some kind. Often this nuisance will involve shading, dropping leaves or other debris or interfering with television reception.
4. Between 2010 and 2013 the Council spent over £300,000 on tree works. Of this approximately £30,000 was spent on survey work. Of the remaining £270,000 approximately £120,000 was spent addressing

Health and Safety issues, the remaining budget was used to address perceived nuisance issues.

## **COMPOSITION AND LOCATION OF TREE STOCK**

5. The 3000 individual trees which are managed by the Council are located on recreational land which is predominantly situated in urban areas, often adjacent to residential properties. Most of these trees have been planted in connection with post war development, and are at differing stages of maturity. As well as these maturing trees, residential areas may also contain mature and over mature trees retained when the site was developed. These individual trees consist of a mixture of species including small trees such as cherries and field maples, and larger species such as beech, ash and sycamore.
6. Tree belts have been planted to screen development or add landscape value, tree belts are often planted adjacent to residential properties. SDC manages over 160,000 m<sup>2</sup> of tree belt containing a mixture of smaller, under story, species and taller canopy trees. Whilst some tree belts have achieved maturity, others are still in the process of maturing. Trees in closed Churchyards and cemeteries tend to be mature trees of larger species such as beech and lime. In the case of some sites owned by the Council but managed by other organisations, such as Stroud Cemetery, SDC retains some residual responsibility for tree safety.

## **TREE MAINTENANCE ISSUES**

7. The main concerns associated with trees are;
  - dead, dying and dangerous trees
  - dangerous branches
  - trees causing damage to property
  - obstruction of light to houses, solar panels or gardens
  - overhanging branches
  - falling leaves or debris and aphid problems
  - birds in trees
  - branches obscuring signs and street lighting columns
  - branches affecting telephone or power lines
  - interference with television reception
  - limbs or growth interfering with access/site lines
8. While the Council is required to respond positively to tree matters involving safety, it is not possible or desirable to undertake all the works that the Council is asked to carry out. In some cases the work requested will not resolve the problem and in other cases it will provide only a temporary solution, raising expectations that the work will be repeated, whenever requested, at unnecessary ongoing cost. Pruning works can also have an affect on the health and amenity value of the

tree and most trees do not respond well to attempts to restrict their size by continual pruning. At present there is no agreed Tree Management Policy or other guidance for Officers dealing with requests for tree works. This has led to inconsistencies in approach between service areas and could result in reputational damage to the Authority as well as unnecessary expenditure. Training would need to be provided to Officers in order that future decisions in respect of tree works are made in line with any Tree Management Policy which is adopted. This would allow consistency in the way the Policy was interpreted.

9. The Draft Tree Policy (Appendix A) has been formulated in order to ensure that the Authority meets its obligations in respect of Health and Safety and tree nuisance issues, whilst protecting it's tree stock from unnecessary, potentially damaging, tree surgery, The rational for the provisions included in the Tree Management Policies are set out in Appendix B:

## CONCLUSIONS

10. The Committee is asked to consider the adoption of a Tree Management Policy which will ensure that:
- the Council complies with its Duty of Care requirements in respect of tree management
  - delivers a consistent service across the Authority which, as far as possible, addresses the concerns of residents while protecting the safety, integrity and amenity value of it's tree stock
  - ensures value for money in respect of tree works
11. The Policy, if adopted, would reflect best practice in respect of tree management allowing resources to be redirected away from damaging and unnecessary tree works and towards a proactive inspection regime. In time this would improve the health of the Council's tree stock and would result in cost savings.
12. A Draft Tree Management Policy has been attached for the Committee's consideration (see appendix A). The policy allows flexibility in order to address tree issues which are having an unacceptably detrimental effect on the lives of residents whilst protecting the Council's tree stock from unnecessary and damaging work.



## Appendix A

### DRAFT TREE POLICY

#### *Vision*

A District where trees are valued for the significant contribution they make to wellbeing and quality of life within the area. Trees are managed to promote biodiversity, climate mitigation, and visual amenity whilst being managed and maintained in a way which promotes their safety and health.

#### *Objectives*

To ensure that the Council's tree stock is regularly inspected, in line with current best practice, and managed to ensure public safety and to minimise the risk to property.

1. To ensure that the Council's tree stock is maintained in a cost effective manner, maximising visual amenity and associated environmental benefits whilst minimising risks to public safety and property.
2. To ensure that the work undertaken on Council trees is done to a high standard, is appropriate and in line with best arboricultural practice.
3. To provide appropriate levels of information and advice to the public on the Council's tree stock.
4. To identify and ensure appropriate management of trees which are important for biodiversity, as wildlife corridors or as landscape features.
5. To promote the positive contribution made by trees to open spaces, including the value which they have for wildlife.
6. To identify opportunities for appropriate tree planting schemes including community orchards.

#### *Policies*

**a)** Stroud District Council will continue to carry out its rolling programme of tree inspections, together with an associated remedial programme of work. The results of these inspections and any associated works will be recoded in line with current best practice.

**b)** The Council will respond positively to tree matters involving safety (including highway safety) and will remove dead trees (except where biodiversity issues prevail) and dangerous and unsafe trees and branches. Trees which are in decline will be monitored in order to ensure that the pose no risk to people or property.

**c)** Where it can be demonstrated that a tree is the primary cause of direct damage to property the Council will act to rectify the problem. In cases of damage to property it must be clearly demonstrated that the tree is the

principal cause of the damage. (The effects of tree litter such as leaves, twigs, fruit etc will not be considered as direct damage and no action will be taken by the Council).

**d)** Except in exceptional circumstances the Council will not prune its tree stock to alleviate the obstruction of light or telecommunication signals or where branches overhang neighbouring properties.

**e)** Works will only be carried out on trees which are restricting the efficiency of solar panels where the solar panel pre-dates the presence of the tree.

**f)** The Council may carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, the redevelopment of parks, gardens and other green spaces, or woodland management schemes.

**g)** When carrying out tree works the Council will comply with all relevant legislation in respect of the protection of nesting birds and other wildlife. Only essential tree works will be carried out during the bird nesting season. Work will not be carried out on trees to address the issues of bird droppings.

**h)** The Council will consider accepting third party sponsorship for tree work only where this has been identified as good arboricultural practice.

**i)** The Council will work with partners and community groups to identify opportunities to increase its tree stock through appropriate tree planting.

**j)** There will be a presumption against removal of existing trees and where this is necessary replacement in the same location, or if this is not possible in another more suitable location, will be considered.

**k)** The Council will consider planting new, species rich, native woodlands in appropriate locations to meet a variety of objectives, including habitat creation, the screening of unsightly development, the provision of shelter and the enhancement of the landscape.

**l)** Veteran trees will be managed in a way that preserves their unique characteristics. When managing trees and woodlands, consideration will be given to biodiversity issues in line with the Biodiversity Duty for Public Authorities enshrined in the Natural Environment and Rural Communities Act.

**m)** In planting or adopting trees or tree belts, the Council will be sensitive to the potential for damage or inconvenience, or the impeding of access, as the trees mature. In addition, the Council will recognise and take positive action to prevent the potential conflict of interest where developments are proposed in close proximity to existing trees, treebelts and wooded areas.

**n)** Adequate resources will be made available in order to ensure that the Council complies with its duty of care in respect of tree safety.

**o)** All tree works carried out on behalf of the Council will comply with appropriate Standards and Legislation in respect of tree protection, and will be undertaken by competent and qualified contractors

**p)** This policy will be reviewed every 3-5 years or when there are major changes to legislation or best practice in respect of tree management.

## **Appendix B**

### **RATIONAL FOR PROVISIONS WITHIN THE TREE POLICY**

#### **Tree Inspections**

Stroud District Council carries out a rolling programme of tree inspections in order to ensure that its tree stock is kept safe and in a healthy condition. The survey records information on all Council owned trees and identify any tree which may pose a risk to health and safety. In the case of unsafe trees remedial actions is taken within a time scale recommended by inspectors. Other works are organised in line with the priorities identified by the inspectors. Appropriate re-inspection dates are set for all trees dependent on their age, condition, location and species. If however a resident has concerns regarding the condition of a particular tree, the Council will carry out a responsive inspection.

#### **Dead, Dying and Dangerous Trees**

The Council has a duty of care to ensure that the trees that it has responsibility for are in a safe condition, and therefore would seek to remove any dangerous trees, and to monitor trees which are in decline, to ensure they do not become dangerous. In the case of dead trees it may be possible to retain these where they have high wildlife value and they do not represent a danger. In some instances a dead tree could be reduced to a standing trunk to provide habitat for wildlife.

#### **Dangerous Branches**

A dangerous branch is one which is dead, shows signs of decay or damage, or weak attachment to the tree and which could cause harm or damage if it fell. Where a dangerous branch is identified the Council has an obligation to make it safe.

#### **Damage to Property**

Where it can be demonstrated that a tree is the primary cause of direct or indirect damage to property the Council has an obligation to rectify the problem. Direct damage may include tree roots lifting paving stones, or trunks or branches damaging garden walls or fences. Indirect damage may include subsidence due to soil shrinkage resulting from water extraction by tree roots. In cases of damage to property it should be clearly demonstrated, by the property owner, that the tree is the principal cause of the damage.

#### **Falling Leaves or Debris and Aphid Problems**

The Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, berries, fruit, blossom etc. Pruning of trees is not a solution to this occurrence and felling a tree to address issues of leaf litter etc.

would be difficult to justify. The same criterion applies to trees which host aphids with associated honeydew. There is little that can be done about the aphids which cause this problem, and pruning the tree will only offer temporary relief and any re-growth is more likely to be colonised by aphids. Where honeydew affects cars it can be removed using warm soapy water, particularly if the car is washed as soon as possible.

### **Obstruction of Light to Houses or Gardens**

It is usually very difficult to prune a tree in order to give a lasting improvement in light levels to a property. Often the extent of pruning required to alleviate light obstruction can be damaging to the tree or destroy its amenity value, and thick re-growth following pruning can make shading problems worse.. There is no obligation on the Council to carry out work on trees to address shading issues. However in exceptional circumstances, for example where light levels in a room that is occupied for a large part of the day are severely restricted by the presence of a tree, the Council may wish to act to alleviate the problem.

### **Branches Affecting Telephone and Power Lines**

Effective use of telephone lines and power supplies is the responsibility of the service provider. If residents are experiencing problems with telephone reception or suspect a tree is interfering with a power line, they are advised to contact their service provider for advice.

### **Television Reception**

The Council would not normally carry out works to trees, or remove trees in order to improve television reception. Aerials and satellite dishes should be carefully sited at the time of installation, with consideration being given to how neighbouring trees may grow in the future.

### **Overhanging Branches**

The Council has a similar responsibility to a private land owner or neighbour in respect of overhanging branches, and is only obliged to cut them back in circumstances where damage is being caused to adjacent structures or the tree is dangerous.

Under common law a property owner has a legal right to cut back overhanging branches **to their boundary**. This work should be done to a good standard (British Standard 3998:1989 'Recommendations for Treework') by a competent person

### **Branches Obscuring Signs or Street Lighting Columns**

Where trees are blocking street lights, road signs etc. and jeopardise public safety the Council is obliged to alleviate the problem, in most cases this can

be done whilst retaining the tree. In extreme cases removal of the tree and replacement with a more suitable species may be necessary.

### **Solar Panels**

It would be reasonable for the Council to consider requests to carry out work on trees which are restricting the efficiency of solar panels where the trees have been planted, or have self seeded, subsequent to the panels being installed. Where solar panels have been sited in locations where the presence of existing trees restricts the light they receive, or have been sited in locations where pre-existing, immature, trees will grow up to restrict light levels, it would be unreasonable to expect the Council to remove or reduce these trees.

### **Development Priorities**

From time to time it may be necessary for the Council to carry out work on trees in response to its development priorities. Development priorities may include site or neighbourhood redesign, maintenance and improvement or the redevelopment of parks, gardens and other green spaces. Where trees are removed the Council would normally seek to replace them with species appropriate to the location and site conditions.

Trees in woodlands and other heavily wooded areas may also need to be thinned out periodically to encourage the growth of the most appropriate specimens and species.

Where appropriate the Council will normally consider retaining dead standing trees for the benefit of wildlife, and managing tree belts and woodland areas in order to maximise their wildlife value. Veteran trees (trees which, because of their great age, size or condition, are of exceptional cultural, landscape or nature conservation value) are managed and maintained in order to preserve their unique characteristics.

### **Wildlife**

It would be unreasonable to expect the Council to carry out work on trees in order to address the issue of bird droppings. Nesting birds are protected by the Countryside and Wildlife act (and other related wildlife law) and only health and safety works would normally be considered during the nesting season in order to avoid causing unintended disturbance to nesting birds. It may be necessary to obtain a license from DEFRA to carry out essential Health and Safety works to a tree in which birds are nesting, or on sites where badgers and other protected species are present. When carrying out tree works, the Council is obliged to comply with all legislation relating to the protection of wildlife.

## **Sponsorship of Tree Works**

The Council often receives offers from residents to sponsor tree works in order to address issues that the resident is concerned about. This usually results from a refusal by the Council to carry out works that have been initially requested by the resident. It would not be reasonable for the Council to accept offers of sponsorship from a third party to carry out tree works which would not be in the interest of the tree or in line with the Tree Policy. Sponsorship would only be considered where the works would normally form part of the Council's scheduled work programme. No tree works would be considered which did not comply with BS 3998 2010 (see below). In cases where the Council would consider accepting sponsorship the work to be undertaken would be carried out by Council contractors working under the supervision of a Council Officer. Except in the case of overhanging branches (see above) any unauthorised works to Council owned trees carried out by any person would constitute criminal damage.

## **Standards**

All works to Council trees is carried out in line with British Standard 3998: 2010 'Recommendations for Treework'. In addition any contractor carrying out work on behalf of the Council should be Arboricultural Association approved, or able to demonstrate that they have achieved a similar standard of competency. All personnel undertaking tree works must wear the appropriate Personal Protective Clothing and be adequately trained. The Council will aim to provide an out of hours tree service which, in the event of an emergency, will respond within 2 hours.

## **Funding**

Where land is to be adopted by the Council an appropriate commuted sum will be required in order to maintain and manage any tree or hedgerow on that land and, where appropriate, to plant additional trees or hedgerows.

The Council will ensure that adequate resources are made available in order to meet its legal liabilities in respect of tree safety. Extra resources may be required if prolonged periods of extreme weather prevail.