

To all Members of Stroud District Council

10 October 2018

You are hereby summoned to attend a meeting of the **STROUD DISTRICT COUNCIL** in the Council Chamber, Ebley Mill on **THURSDAY 18 OCTOBER 2018 at 7.00pm.**



Joanne Jordan
Acting Head of Paid Service

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 for absence
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest
- 3 **MINUTES**
To approve the Minutes of the Council's meeting held on 9 August 2018
- 4 **ANNOUNCEMENTS**
To receive announcements from the Chair of Council
- 5 **PUBLIC QUESTION TIME**
The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures

DEADLINE FOR RECEIPT OF QUESTIONS

Noon on Monday, 15 October 2018

Questions must be submitted to the Acting Head of Paid Service, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and sent by post or email (democratic.services@stroud.gov.uk)

- 6 **GLOUCESTERSHIRE GREEN INFRASTRUCTURE PLEDGE**
To consider an invitation from the Gloucestershire Local Nature Partnership (GLNP) to support their proposed Green Infrastructure Pledge.

7 RECOMMENDATIONS FROM OTHER COMMITTEES

7a Community Services and Licensing Committee – 6 September 2018

Review of Stroud District Council’s Statement of Principles under the Gambling Act 2005 (CS&LC Agenda Item 11)

The relevant committee report is also available on the website page for this Council meeting.

The Chair of the Community Services and Licensing Committee will present this item.

That the Council adopts the draft Statement of Principles.

7b Strategy and Resources Committee – 4 October 2018

The relevant committee report is also available on the website page for this Council meeting.

The Chair of the Strategy and Resources Committee will present these items:

(i) **First Report of Constitution Working Group 2018 (Item 7b on Agenda)**
that the terms of reference of the District Planning Review Panel (aka ‘PRP’) be amended as outlined in the report paragraph 2.7.

(ii) **Additional Housing Revenue Account (HRA) Borrowing Programme (2019/20, 2020/21 and 2021/22) (Item 8 on Agenda)**
To approve the bids to Homes England for additional borrowing from the ‘Additional HRA Borrowing Programme (2019/20, 2020/21 and 2021/22)’ for the following schemes:

Broadfield Road, Eastington
Orchard Road, Ebley
Queens Drive, Cashes Green
Ringfield Close, Nailsworth
Southbank, Woodchester
Summersfield Road, Minchinhampton
Tanners Piece, Nailsworth
The former Ship Inn site, Bridgend

(iii) **Council Tax Support Scheme 2019/20 (Item 9 on Agenda)**
That it adopts the Local Scheme as the scheme for Stroud District Council for the period 01 April 2019 to 31 March 2020.

(iv) **Budget Strategy 2019/20 to 2022/23 (Item 13c on Agenda) – the recommendation to Strategy and Resources Committee on 4 October 2018 has to be resolved by Council. The recommendation (voted on by Strategy and Resources Committee and unanimously agreed) is to:-**

“Approve the Budget Strategy 2019/20 to 2022/23 including the decision to bid for Business Rates Pilot status” (summary details of which are set out below and further details contained within the report).

The Council is asked to agree to be part of the Gloucestershire bid for business rate pilot status for 2019/20 and therefore approve the bid which was submitted by all Gloucestershire Councils. Council notes that this bid was submitted after modelling by S151 Officers showing that potential benefits outweighed risks.

Council resolves to give delegated authority to the Head of Finance to make minor alterations, or withdraw the Council from the bid, should there be significant adverse changes to the risk of the scheme before the outcome of the bid is known.

(v) Car Park Review 2018 (Item 10 on Agenda)

1. The amended Variation Order (appended to this report) be approved for implementation
2. That car parking charges are not introduced in Dursley, Nailsworth, Stratford Park and Wotton-under-Edge
3. To remove car parking charges from Stonehouse until the review of the health of market towns has been completed.

7c Audit and Standards Committee – 9 October 2018

Procurement Update (Item 6 on Agenda)

The relevant committee report is also available on the website page for this Council meeting.

The Chair of the Audit and Standards Committee will present this item:

The Corporate Team be reminded of the importance, without exception, of ensuring:

1. **Forward planning for any procurement, whether a completely new service or a renewal (as opposed to an extension) of contract;**
2. **All procurements undertaken are recorded in writing and documents are retained in line with the Council's documentation retention policy; and**
3. **All applications for exemptions (granted or otherwise) to the Council's Procurement and Procedure Rules be reported to the Audit & Standards Committee as part of the regular procurement updates.**

8 COMMITTEE MEMBERSHIP

1. **Community Services and Licensing** – Councillor McKeown to replace Councillor Marjoram.
2. **Environment Committee** – Councillor Powell to replace Councillor Lydon.
3. **Development Control Committee** – Councillor Tomblin to replace Councillor Mossman.

9 GLOUCESTERSHIRE VISION 2050

The Chair of Strategy & Resources Committee to update Council on this countywide initiative led by Leadership Gloucestershire. Members will be provided with a link to the Leadership Gloucestershire papers when they are available. The Chair attended the Leadership Gloucestershire meeting on the 11th October.

(Members debated the Council's response to the consultation on Gloucestershire Vision 2050 at the Council meeting on 9th August 2018)

10 **NOTICE OF MOTION**

A motion regarding Local Wealth Building has been proposed by Councillor Cornell and seconded by Councillor Townley.

SDC's vision is 'Leading a community that is making Stroud district a better place to live, work and visit for everyone' and one of the council's key priorities to achieve this is by helping 'create a sustainable and vibrant economy that works for all'.(1)

Despite the UK being one of the world's largest economies, wealth is not equally distributed between regions, communities and individuals, and the prevailing economic model relies on attracting inward investment in order to regenerate and grow local economies. As a result much of the wealth generated in local areas 'leaks' away through for example profits to businesses which are not locally based. In the last decade, 'Local Wealth Building has emerged as a powerful alternative in which local economies are reorganised, so that wealth is not extracted but broadly held and income is recirculated. These ideas are being applied by a growing number of businesses, social and public sector organisations across the UK' (2)

The UK Government's Civil Society Strategy, published on 9 August 2018, supports both inclusive growth and a stronger use of social value, and states that 'the government's vision is that in the future the public sector will focus more on the needs of places and take a more collaborative approach. By working with service providers, the private sector, individuals, and communities in a place, we will make more sensitive and appropriate policy, we will achieve better social and economic results, and we will make brilliant places for people to live and work in.'

Local Wealth Building begins with identifying so-called 'anchor institutions' in local areas, those types of organisations which are tied to a local place and are unlikely to move, such as local authorities, colleges and hospitals, as well as businesses and social enterprises, which due to their spending powers, play a key role in local economic development.

Four key strategies lie at the heart of Local Wealth Building, focussing on local employment, equitable development of land and community assets, support for SMEs, cooperatives and local banks, and progressive procurement. Local authorities elsewhere in the UK that have adopted a progressive procurement policy that focuses on strengthening local spend have been able to help grow the local economy. SDC's local spend has historically been about 25-30% of total expenditure within Gloucestershire, and 65-75% outside of Gloucestershire.

This Council acknowledges

- that implementing changes to build local wealth and combat inequality in Stroud District will take time, and require a long term plan, as well as partnership with other public bodies, the social sector and local businesses
- that council resources (finances, and organisational capacity) are ever more limited and any work must be mindful of these constraints
- that local wealth building has a body of evidence that shows it positively impacts on the local economy and is an aim that is therefore consistent with Stroud District Council's vision and corporate priorities

- that local wealth building has for the most part been led by city and urban local authorities, and Stroud District is uniquely placed to demonstrate how this can work in a rural, market town setting
- that local wealth building can provide a value-based framework to underpin much of the council's existing work on improving procurement processes, developing a digital strategy, reviewing its local plan, supporting the health of market towns, and community-led housing, as well as contributing to the emerging county-wide industrial strategy
- that the Procurement and Contract Management Strategy states 'the National Procurement Strategy recommends that local authorities demonstrate political leadership of procurement'
- that forward planning is essential in order to ensure procurement is progressive and best meets the council's vision and priorities
- that at present the UK is due to leave the EU in March 2019, and if this occurs, consideration must be given to how best to ensure a continuity of best practice on procurement if EU rules no longer apply, for example on social value (3)

This Council resolves

- To create a long term action plan by which the practical strategies of local wealth building can be used to achieve SDC's vision and corporate priorities, including the creation of a local wealth building strategy
 - To examine whether a resource is required to support this work
 - That the S&R committee reviews the existing procurement strategy and other strategic documents to ensure social value and local wealth building are accurately and strongly embedded in these guiding strategies
 - That the S&R committee supports the pre-procurement process by considering well in advance which of the council's largest contracts are to be renewed, and how this process will support local wealth building and the vision and priorities of the council
 - That the A&S committee annually reviews the council's local spend with Gloucestershire suppliers with the aim of increasing the percentage year on year
- That the Leader and Chief Executive use existing forums such as the Local Strategic Partnership, Leadership Gloucestershire and the LEP to identify other anchor institutions in our district and build partnerships with a view to creating a local wealth building network.

Notes

1. CD Plan 2018-22
2. Centre for Local Economic Strategies (CLES) *Local Wealth Building In Birmingham and Beyond*
3. CLES *Opportunities for Public Procurement Post-Brexit*

11. MEMBER QUESTIONS

See Agenda Item 5 for deadline for submission.

COUNCIL MEETING**9 August 2018****7.00 pm – 8.30 pm****Council Chamber, Ebley Mill, Stroud****Minutes****3****Membership:**

Martin Baxendale	P	Nick Hurst	P	Skeena Rathor	P
Dorcas Binns	A	Julie Job	P	Sue Reed	P
Catherine Braun	A	Haydn Jones	A	Mark Reeves	P
Chris Brine	A	John Jones	A	Steve Robinson	P
George Butcher	P	Norman Kay	P	Mattie Ross	P
Miranda Clifton	P	Darren Loftus	P	Tom Skinner	P
Nigel Cooper	P	Stephen Lydon	P	Nigel Studdert-Kennedy	P
Doina Cornell	P	John Marjoram	P	Haydn Sutton	P
Gordon Craig	A	Phil McAsey	A	Brian Tipper	A
Rachel Curley	A	Karen McKeown	A	Chas Townley	P
Stephen Davies	P	Jenny Miles*	P	Jessica Tomblin	P
Paul Denney	P	Dave Mossman	P	Ken Tucker	P
Jim Dewey	A	Gill Oxley	P	Martin Whiteside	P
Jonathan Edmunds	A	Keith Pearson	P	Tim Williams	A
Chas Fellows	A	Simon Pickering	P	Tom Williams	P
Colin Fryer	P	Gary Powell**	P	Penny Wride	P
Alison Hayward	A	Nigel Prenter	P	Debbie Young	A

**Chair *Vice-Chair P = Present A = Absent

Officers Present:

Head of Legal Services and Monitoring Officer

Democratic Services Officer

CL.021 APOLOGIES

Apologies for absence were received from Councillors Binns, Braun, Brine, Craig, Curley, Dewey, Edmunds, Fellows, Hayward, H Jones, J Jones, McAsey, McKeown, Tipper, Tim Williams and Young.

CL.022 DECLARATIONS OF INTEREST

There were none.

CL.023 MINUTES

RESOLVED That the minutes of the meeting held on 19 July 2018 are confirmed and signed as a correct record.

CL.024 ANNOUNCEMENTS

There were no announcements.

CL.0025 PUBLIC QUESTION TIME

There were none.

CL.026 APPOINTMENT OF CHIEF EXECUTIVE

The Leader introduced this item, explaining that there had been a very high standard of candidates, the selection process had been very successful and involved a range of staff and members. The panel recommended that Kathy O'Leary be appointed as the new Chief Executive and Head of Paid Service. The transition period will be discussed and the leader asked for delegated authority for Strategy and Resources Committee to make interim arrangements if there was a time period without a Chief Executive in post.

- RESOLVED**
- 1. To appoint Kathy O'Leary as Chief Executive and Head of Paid Service.**
 - 2. Strategy and Resources Committee be given delegated authority to make interim arrangements in the absence of a Chief Executive.**

CL.027 COMMITTEE SEAT ALLOCATION (from August 2018)

The Leader presented the report. Following recent changes in the groups there needed to be a re-allocation of seats on Committees.

RESOLVED To appoint Councillors to the committees as set out in the report.

CL.028 APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER

The Leader presented this report which allowed interim arrangements and continuity, in the event of any elections taking place during the period which the Council is without a Chief Executive.

- RESOLVED**
- 1. To appoint the Director of Tenant & Corporate Services as Electoral Registration Officer pursuant to section 8(2)(a) of the Representation of the People Act 1983 with effect from 5th October 2018 to the day on which the new Chief Executive takes up post.**
 - 2. To appoint the Elections Manager as Deputy Electoral Registration Officer with full powers of the Electoral Registration Officer from 5th October 2018 to the day on which the new Chief Executive takes up post.**
 - 3. To appoint the Director of Tenant & Corporate Services as Returning Officer pursuant to section 35(1) of the Representation of the People Act 1983 for any elections held in the period from the 5th October 2018 to the day on which the new Chief Executive takes up post.**

CL.029 GLOUCESTERSHIRE VISION 2050

The Leader presented this report which set out the basis for the Council's response to the consultation on Gloucestershire Vision 2050. She encouraged Members to submit any comments to her which they would want included in the final submission.

RESOLVED To agree a response to the consultation on Gloucestershire Vision 2050 and authorise the Leader of Council and Chief Executive to submit it.

CL.031 MEMBERS' QUESTIONS

Questions were submitted by Councillors Cooper and Loftus. They were answered by the Leader, Councillor Cornell. Supplementary questions and answers were also answered. (Refer to the [Council's webcast](#) and [Item 10](#)).

CL.030 NOTICE OF MOTIONS

- (a) A motion was proposed by Councillor Baxendale and seconded by Councillor Cornell regarding the Revenue Support Grant Settlement. "Stroud District Council strongly objects to Central Government introducing a new stealth tax on local households by demanding the payment of £549,000 from Stroud District to the Treasury in 2019/20.

Councillor Baxendale spoke to this motion expressing his concern regarding central government funding of local authorities and future reliance on council tax payers. He considered that it is important to resist change and rises in taxation. Following the submission of this motion, the Council had received confirmation that it would not need to make the payment of £549,000. He withdrew the motion but would bring a further motion to a future meeting.

- (b) A motion was proposed by Councillor Cornell and seconded by Councillor Marjoram regarding the People's Vote on Brexit.

Councillor Cornell spoke to this motion expressing her concern that when the referendum took place the public did not know the terms of the Brexit agreement.

Members debated the motion.

- RESOLVED**
- 1. To call on the government to abandon any plans for a hard Brexit and to give the British people a vote on whatever deal they end up getting along with the opportunity to vote on staying in the European Union.**
 - 2. To write to its MPs and the Brexit Secretary expressing its views and asking them to support a People's Vote.**
 - 3. To instruct our leader and Chief Executive to work with our MPs, the District Council Network and LGA to ensure there is a strong voice from the people of Stroud District in decision making over Brexit.**

The meeting closed at 8.30 pm.

Chair

STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

18 OCTOBER 2018

6

Report Title	Gloucestershire Green Infrastructure Pledge
Purpose of Report	To consider an invitation from the Gloucestershire Local Nature Partnership (GLNP) to support their proposed Green Infrastructure Pledge.
Decision(s)	The Council RESOLVES to: (1) Support the Gloucestershire Green Infrastructure Pledge that recognises the importance of well planned green infrastructure and the five objectives of that pledge.
Consultation and Feedback	Council officers have worked with the Gloucestershire LNP since 2012. They have sat on the GI working group since 2014 reporting to the GLNP Board (of which SDC represents LPA interests). In this way it has input into the Strategic Green Infrastructure Framework and this Pledge drafting .
Financial Implications and Risk Assessment	There are no direct financial implications arising from this report. The Pledge is a public statement of recognition of the work that is currently carried out within planning. Adele Rudkin - Accountant Tel: 01453 754109 Email:adele.rudkin@stroud.gov.uk
Legal Implications	The pledge referred to in the report does not have any legal status and as such there are no legal implications which would arise as a direct result of signing up to it. Committee will however wish to be satisfied that the pledge is compatible with other relevant plans and policies. The implications of any proposed actions arising from the pledge would need to be considered separately. Mike Wallbank Solicitor Email: Mike.Wallbank@stroud.gov.uk
Report Author	Conrad Moore, Principal Planning Strategy Officer. Tel: 01453 754328 Email: Conrad.moore@stroud.gov.uk

Options	The Council may chose not to support this Pledge. However on 5 th September 2018 the County Council agreed to support this pledge, promising to develop, maintain and protect natural features in Gloucestershire. To not publically sign the Pledge may be interpreted as countering high quality design objectives set out within the NPPF and not delivering a clear and consistent message regarding the benefits of delivering GI maintenance and enhancement across the County and District. Good GI can improve water management, air quality, public safety, food and energy security, public health and well being along with climate change mitigation and adaptation. Many of the objectives are currently undertaken within this Councils core services and functions.
Performance Management Follow Up	The Council, GLNP and the other 6 Planning Authorities in Gloucestershire as well as any other relevant organisations will establish a Gloucestershire leadership group for green infrastructure. This group will meet regularly, with the aim of reporting in 12 months' time in order to share progress, exchange best practice and demonstrate measurable positive action. It will work with public, private and third sector bodies to align this green infrastructure initiative with the emerging conclusions of the Gloucestershire 2050 Vision, whilst taking on board developments in national policy, such as the revised National Planning Policy Framework, Clean Growth Strategy, Industrial Strategy and the Government's 25 Year Environment Plan.
Background Papers/ Appendices	<ol style="list-style-type: none"> 1. Green Infrastructure for Gloucestershire Pledge within this report 2. "Building with Nature" available at https://www.buildingwithnature.org.uk/ 3. More information about the GLNP can be found at http://www.gloucestershirenature.org.uk/

1. INTRODUCTION / BACKGROUND

1.1 Green Infrastructure (GI) is the network of natural and semi-natural features within and between our villages, towns and cities.. These features range in scale, from individual street trees, green roofs and private gardens through to parks, rivers and woodlands, transport corridors, verges and, at the larger scale, wetlands, forests and agricultural land. Green Infrastructure as a concept is referred to in the current Adopted Local Plan. The role and purpose of GI is recognised as have a number of benefits primarily:

Environmental and social benefits:

- Ensuring a more attractive place for people to live, work and visit
- Giving opportunities for outdoor relaxation, play and access to nature
- Improving health and well-being – lowering stress levels and providing opportunities for exercise
- Helping climate change adaptation, for example by flood alleviation and cooling urban heat islands
- Improving air and water quality
- Giving space for habitats and providing wildlife corridors and linkages
- Providing sustainable transport routes – for cycling and walking
- Enabling local food production - in allotments, gardens and through agriculture

Economic benefits:

- Attracting inward investment - a more attractive area to business investors and potential residents
- Attracting increased visitor spend - a more attractive area for tourists and visitors
- Generating employment - attracting new businesses and residents to the area, increasing office occupancy rates and increasing the number of jobs in the area
- Saving environmental costs - improving air quality, reducing the urban heat island effect, filtering diffuse pollution, helping to manage flood risk and storing water during droughts
- Providing health benefits - impacts on health through improved air quality and surroundings which encourage activity and improve mental health and well-being
- Promoting food production - enabling increased productivity

The key point is that green infrastructure provides a wide range of benefits simultaneously from the same area of land i.e. “multifunctionality”.

- 1.2** Local Nature Partnerships (LNPs) bring together local organisations, businesses and people who want to improve their local natural environment. LNPs are recognised by the government who intend that LNPs will help their local area to manage the natural environment and embed its value in local decisions for the benefit of nature, people and the economy. The Gloucestershire LNP was created in July 2012 and comprises a broad range of local organisations, businesses and people to work with, and influence, other local strategic decision makers. All seven Gloucestershire local authorities are among the partners in the GLNP and the Strategic Head of Environmental Services is a member of the LNP Board.

2. ISSUES FOR CONSIDERATION

- 2.1** The GLNP wish for partners to sign up to a Green Infrastructure Pledge. This will commit partners to develop, and maintain the significant green infrastructure within Gloucestershire by considering it within local authority core business activities and services. It will take place at the GLNP conference on 26th

October 2018. Officers have worked with GLNP to make sure that the pledge is consistent with national planning policy. It is also timely for this Council as consultants have been commissioned and are currently undertaking work to develop a Green Infrastructure Strategy and evidence base to accompany the Local Plan Review. The Council is already a member of the GLNP GI working group.

2.2 As such the GLNP pledge is an opportunity for each of the member Councils to consider re-confirming their support for well planned Green Infrastructure and the benefits that brings to new and existing communities. That said it is for each Council to make its own decision on whether to sign the pledge or not, either before the GLNP conference or at a convenient time thereafter. It is considered that it would be appropriate for this Council to publically recognise the importance of well planned green infrastructure and support the objectives of the pledge. As part of this Pledge commitment it is important that the Council are able to demonstrate how the pledge and 5 objectives are being taken forward in this District. This will be a practical way of maintaining oversight of an important issue that underpins the delivery of good quality development. The Planning Strategy Team would continue to undertake the monitoring and delivery aspects of GI as part of the Monitoring Report and Duty to Cooperate processes in Planning. The Council also was involved in developing and testing the GWT “Building with Nature” initiative referred to in Appendix Two.

2.3 The GLNP pledge will provide a useful addition to work currently being undertaken by this Council through the Green Infrastructure commissioned work with our consultants Ethos. It will help provide a context and focus for continued action by the 7 Councils in Gloucestershire and ensure a co-ordinated approach to and a shared vision for green infrastructure across the county and beyond. The Pledge will also emphasise our continued commitment to the Strategic Framework for Green Infrastructure developed and endorsed by the Board of the Gloucestershire Local Nature Partnership in 2015 to provide a strategic green infrastructure framework that can form part of the evidence base for local and other plans. It provided a useful start point for more detailed green infrastructure work being undertaken at the local level where the multi-functional benefits of green infrastructure were recognised. The work with consultants Ethos on GI is an existing Local Plan Review evidence base commitment and signing the pledge will not have any direct additional resource or cost implications.

3 CONCLUSION / RECOMMENDATION

3.1 Officers recommend that the Council recognises the importance of well planned green infrastructure and supports the progression and delivery of this Gloucestershire LNP GI pledge by signing up to it at the GLNP conference on 26th October 2018. The accompanying 5 objectives will help shape and inform future GI policy and its delivery as part of our Local Plan Review process. As such the pledge is an opportunity for this member Council to re-confirm their continued support for well planned Green Infrastructure and the benefits that brings to new and existing communities in accordance with the latest National Planning Policy Framework.

Appendix 1

Gloucestershire **GREEN** **INFRASTRUCTURE** Pledge

MAKING GREEN INFRASTRUCTURE WORK FOR GLOUCESTERSHIRE - FOR OUR COMMUNITIES, WILDLIFE AND ECONOMY. OUR PLEDGE, CREATED BY THE GLOUCESTERSHIRE LOCAL NATURE PARTNERSHIP, IS A PROMISE TO COMMIT TO MAKING GLOUCESTERSHIRE A PIONEER OF GREEN INFRASTRUCTURE, CREATING A BETTER, MORE ATTRACTIVE PLACE TO LIVE, WORK AND VISIT, AS WELL AS BECOMING AN EXEMPLAR FOR THE REST OF THE COUNTRY.

OUR COMMITMENT TO A GREENER GLOUCESTERSHIRE

As our population grows and becomes wealthier, so do the demands we make for land, water and other natural resources. Our natural assets provide a wide range of services essential to society and the economy and so need to be safeguarded to ensure their longevity. Through investment in green infrastructure, we can help to square this circle, since this approach allows development to take place in ways that work with the grain of nature.

WHY GREEN INFRASTRUCTURE?

Green infrastructure is not just about providing space for wildlife and recreation. It is truly multi-functional. It can improve water management, air quality, public safety, food and energy security, public health and wellbeing, social cohesion, along with climate change adaptation and mitigation.

Green infrastructure is as important as the buildings themselves, the roads that connect them, the power and water that supplies them – all provide the essential ingredients that go into making a place function effectively. In brief, people need green infrastructure to help lead more fulfilling lives and be resilient for future challenges – and nature needs it to survive in our increasingly humanised world.

A PROMISE

Yet, if we are to bring about the required shift in favour of green infrastructure it will require clear leadership and a vision that is shared by all involved in every aspect of development. This is what our

pledge seeks to achieve. It commits all sectors to embed green infrastructure into how we plan for Gloucestershire's future development and regeneration.

Gloucestershire has already led the way in developing the Building with Nature benchmark **(1)** and several innovative green infrastructure projects, for example, those funded through European Structural and Investment Funds (ESIF) administered by the Gloucestershire Local Enterprise Partnership (Gfirst LEP), and the Natural Flood Management (NFM) projects throughout the Stroud Valley. The pledge will take forward this pioneering work by committing all parties to action. If we succeed in this, our communities, economy and wildlife will benefit immeasurably.

OUR GREEN VISION

Our vision is of a greener Gloucestershire. Where nature-based solutions are threaded through urban areas, providing a multi-functional approach to the design and management of urban infrastructure, open spaces and recreation grounds; where the benefits of nature create a more resilient county for both people and wildlife, not just to protect but to support growth, whether that is environmentally, socially or economically; where consideration is given to upstream and downstream solutions and services that nature provides; where environmental net gain **(2)** is demonstrated through green infrastructure; and where this is brought about by numerous joined-up, local level initiatives across the county.

Gloucestershire GREEN INFRASTRUCTURE Pledge

WE, THE UNDERSIGNED, RECOGNISE THE IMPORTANCE OF OUR NATURAL ENVIRONMENT AND THE SHARED RESOURCES ON WHICH WE RELY. WE UNDERSTAND WE MUST MEET THE NEEDS OF THE PRESENT WITHOUT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS. EACH OF US WILL PROMOTE, CREATE AND ENHANCE GREEN INFRASTRUCTURE IN GLOUCESTERSHIRE FOR THE BENEFIT OF ALL, WORKING IN CROSS-SECTOR PARTNERSHIP WHEREVER POSSIBLE TO DELIVER THE FOLLOWING ACTIONS:

- 01** We will commit to working in favour of sustainable development, delivering against the revised National Planning Policy Framework (NPPF) (July 2018) where it states development and policies should make sufficient provision for "conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation." [para. 20].
- 02** We will aim to utilise appropriate, high-quality green infrastructure, wherever possible, to protect lives, communities, wildlife and economic growth from the likely effects of development and climate change – including flooding and pollution – through such methods as natural flood management systems, street trees and sustainable drainage systems.
- 03** We accept to delivering healthy, inclusive and safe places as required in chapter 8 of the revised NPPF, acknowledging the importance of green and blue spaces as essential components to health and happiness of our communities. We seek to utilise tools that help us identify what 'good' green infrastructure looks like and ensure sufficient thought is put into providing relevant, high-quality, safe and accessible green space for people that encourages active lifestyles, social inclusion and community engagement with nature.
- 04** We will take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure, minimising impacts on the natural environment, whilst providing net gains for biodiversity and enhancing natural capital on a landscape scale – as outlined within the revised NPPF [para. 170/171]. In doing so we will also contribute to the Nature Recovery Network' outlined within the 25 Year Environment Plan, utilising green infrastructure to link habitats for the recovery of our wildlife and the wider range of public benefits this network will provide.
- 05** We will seek to apply high quality green infrastructure principles to the retrofit of buildings as well as to new developments. We understand that green infrastructure can help build a strong, competitive economy whilst positively impacting lives through regeneration initiatives. Green infrastructure can make properties more sustainable, increase housing value, boost climate resilience, promote social inclusion, and improve desirability of local areas.



To support the progression and delivery of this pledge, we will establish a Gloucestershire leadership group for green infrastructure. This group will meet regularly, with the aim of reporting in 12 months' time in order to share progress, exchange best practice and demonstrate measurable positive action. It will work with public, private and third sector bodies to align this green infrastructure initiative with the emerging conclusions of the Gloucestershire 2050 Vision, whilst taking on board developments in national policy, such as the revised National Planning Policy Framework, Clean Growth Strategy, Industrial Strategy and the Government's 25 Year Environment Plan.

STROUD DISTRICT COUNCIL

**AGENDA
ITEM NO**

COMMUNITY SERVICES AND LICENSING COMMITTEE

TO COUNCIL ON 18 OCTOBER 2018

7a

This is a copy of Agenda Item 11 to the Committee on 6 September 2018

Report Title	Review of Stroud District Council's Statement of Principles under the Gambling Act 2005
Purpose of Report	To provide information that will allow Committee to agree a final revised Statement of Principles and to recommend that is adopted by Full Council. The Statement outlines the principles Stroud District Council will apply when exercising its functions under the Gambling Act 2005.
Decision(s)	Committee RECOMMENDS to Council: Council adopts the Revised Statement of Principles (Appendix 1) at its meeting on 18 th October 2018.
Consultation and Feedback	There has been formal consultation between 14 th May 2018 and 31 st July 2018.
Financial Implications and Risk Assessment	There are no direct financial implications arising from this report. Adele Rudkin, Accountant 01453 754109 Email: adele.rudkin@stroud.gov.uk Risk Assessment Failure to meet the requirements of the Gambling Act 2005, with regard to reviewing and readopting the Statement of Principles every 3 years, could lead to any decisions being made under the Act being unlawful. Rachel Andrew, Principal Licensing Officer
Legal Implications	The draft policy is compliant with the requirements of section 349 of the Gambling Act 2005 and The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006, as well as the relevant statutory guidance. If any further amendments are proposed, the Council should ensure firstly, that such amendments do not duplicate other legislation (for example in relation to health and safety at work or fire safety) and secondly, that nothing in the statement attempts to prevent any application from being considered on its own merits (for example, blanket statements as to where gambling premises will and will not be permitted). R1008D2308C2108 Mike Wallbank, Solicitor E-Mail: Mike.Wallbank@Stroud.gov.uk
Report Author	Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: rachel.andrew@stroud.gov.uk

Options	The Gambling Act 2005 requires the Council to formally consult, determine and publish its Statement of Principles every 3 years. The current Statement will expire on 30 th January 2019. A new Statement of Principles must be adopted and published before this date in order that the Council can continue to exercise its functions under the Gambling Act 2005.
Performance Management Follow Up	The Council must keep its Policy under review and make such revisions to it at such times as it considers appropriate.
Background Papers/ Appendices	Appendix 1 – Draft Revised Statement of Principles Appendix 2 – Schedule of Consultation Comments

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 Stroud District has only a small number of licensed premises under the Gambling Act 2005. These are 6 Betting Shops and 2 Adult Gaming Centres. In addition there are 2 Family Entertainment Centre Permits, 10 Club Gaming Machine Permits and 4 Licensed Premises Gaming Machine permits. There are no licensed Bingo Clubs or Casinos within the District. Currently the legislation does not allow for a new application to be made for a Casino in Stroud District. There have been no hearings with regard to the Gambling Act 2005 at Stroud District Council.

2 Background

- 2.1 Section 349 of the Gambling Act 2005 requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Act and they must publish that statement.
- 2.2 The Act also states that, in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- 2.3 Section 154 of the Act provides that the function of revising the Statement may not be delegated to a Committee. This means that the decision to adopt a revised Statement must be made by full Council.

3 Review of current Statement of Principles

3.1 Stroud District Council's current Statement of Principles has effect until 30th January 2019. The current Statement has been reviewed and updated by the Principal Licensing Officer to produce a draft revised Statement of Principles.

3.2 There have been no major changes in the legislation and no issues in Stroud District since the last review 3 years ago. Therefore only minor revisions have been made to the Statement. Account has been taken of Guidance to Licensing Authorities by the Gambling Commission.

3.3 The main proposed revisions in the draft are:

- More detail on what the Council expects applicants and licence holders to include in their local risk assessment
- More detail on what the Council expects to be included on plans and clarifying the procedure if there is a change to the layout of a licensed premises
- More detail on the matters the Council will have regard to when considering the suitability of a location

3.4 Timetable for review

14 th May 2018 to 31 st July 2018	12 week formal consultation period on Draft Revised Statement of Principles
14 th August 2018	Working party consider any comments from the consultation and recommend any appropriate amendments to the Draft Revised Statement of Principles
6 th Sept 2018	Committee consider Final Draft Revised Statement of Principles
18 th Oct 2018	Adoption of Revised Statement of Principles by full Council
3 rd Dec 2018	Statement of Principles to be published (must be at least 4 weeks before it comes into force)
31 st Jan 2019	Statement of Principles comes into force

4 Consultation

4.1 A draft revised Statement of Principles has been out for formal consultation between 14th May 2018 and 31st July 2018.

4.2 Information about the consultation and the draft revised Statement showing the proposed changes was available on Stroud District Council's website. A link to this webpage was circulated to a wide list of consultees including all Councillors. The full list of consultees is shown in Appendix B of the draft revised Statement (Appendix 1 of this report).

- 4.3 The comments received during the consultation period are shown in a schedule which is Appendix 2.
- 4.4 After the consultation period a working party, made up of the Chair of the Committee, the Head of Health and Wellbeing, Principal Licensing Officer, Licensing Officer and Legal Officer, considered the comments made during consultation. Appendix 2 shows the working party's responses to the comments and any recommended amendments to the Statement.

5 Recommendation

- 5.1 A draft revised Statement of Principles is Appendix 1 of this report. Revisions made to the Statement prior to consultation are shown in red and further revisions made by the working party to take account of consultation comments are shown in blue.
- 5.2 In order that the Licensing Authority can continue to exercise its licensing functions under the Gambling Act 2005 it is recommended that Committee recommends that Appendix 1 is adopted by Council at its meeting on 18th October 2018.



GAMBLING ACT 2005

Draft Statement of Principles

For commencement 31 January 2019

Consultation Period 15th May 2018 to 31st July 2018

Wording in this document that has not been changed from the current Statement are shown in black

Revisions that have been made to this document before consultation are shown in red

Additional revisions to this document following consultation are shown in blue

Statement of Principles

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PART A

1

1.1 Introduction

This Statement is published in accordance with the requirement set out in the Gambling Act 2005 requiring the Licensing Authority to prepare and publish a Statement of Principles that sets out the principles that the Licensing Authority proposes to apply when exercising its functions. It includes details of the steps taken in relation to its preparation and details of the policies to which the Licensing Authority will adhere in determining applications submitted under the Act. It is intended to comply with and fulfil the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636).

The Statement must be published at least every three years and this Statement will come into effect on the 31 January 2019 and continue until 30 January 2022. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published before any revision is given effect.

This Statement of Principles will be published on the Licensing Authority's website and available via: www.stroud.gov.uk/licensing.

1.2 Licensing Objectives.

The Gambling Act 2005 requires that in exercising its functions under the Act, Stroud District Council ('the Licensing Authority') must have regard to the licensing objectives set out in Section 1. The licensing objectives are:-

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is carried out in a fair and open way;
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by Section 153 of The Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

1.3 The District of Stroud

The Licensing Authority is one of six district councils within Gloucestershire. The District of Stroud is a mainly rural area based around six market towns - Berkeley, Dursley, Nailsworth, Stonehouse, Stroud and Wotton under Edge. It has an area of 175 sq miles and a population of around 113,000.

1.4 Consultees

This Statement of Principles was subject to formal consultation with:-

1. Gloucestershire Constabulary;
2. Representatives of the holders of the various licences for premises within the District who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy including Gloucestershire Safeguarding and Gloucestershire Public Health.

A full list of consultees is shown at **Appendix C**. The Licensing Authority considers that the consultation exercise was sufficiently wide-ranging, in terms of the individuals and bodies consulted with and the means of consultation, so as to fulfil the requirement set out in the Guidance for a comprehensive consultation.

In determining its Statement of Principles the Licensing Authority must have regard to the Gambling Commission's guidance for local authorities, and having regard to that guidance will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account included:

- who is making the representations (what is their expertise or interest);
- relevance of the factors to the Licensing Objectives
- how many other people have expressed the same or similar views;
- how far the representations relate to matters that the Licensing Authority should be including in its Statement of Principles.

The Licensing Authority ensured that it looked at the views of consultees and considered carefully whether they should be taken into account and to what extent (having regard to the above factors). However it only considered those matters within the scope of the guidance, the Act and any Codes of Practice and must not consider any other matter, regardless of the number of responses which are received with regard to it.

The Licensing Authority recognises the importance of being able to give reasons for the decisions which it has made following the consultation and of having regard to the Guidance in order to ensure consistency.

The final Statement of Principles was put forward to Full Council to be adopted at its meeting on **18 October 2018** in order for it to take effect on 31 January **2019**. It will be reviewed as necessary, and in any case subjected to a formal review at least every three years or in accordance with any revised legislation.

1.5 Declaration

In preparing its Statement of Principles the Licensing Authority is required to:

- Adhere to regulations issued by the Secretary of State under Section 349(4) of The Act.
- Have regard to guidance issued to local authorities by the Gambling Commission (Section 25(2) of The Act).
- Recognize the need to be consistent with the licensing objectives where applicable.

In producing the final statement, this Licensing Authority declares that it has had regard to the Licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and responses from those consulted on the Statement.

1.6 Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Gloucestershire Safeguarding Children Board for this purpose.

For the purposes of this Act, the following are responsible authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Stroud District Council");
2. The Gambling Commission;
3. Gloucestershire Constabulary;
4. Gloucestershire Fire and Rescue Service;
5. Development Control Manager, Planning Dept, Stroud District Council;
6. Environmental Protection Manager, Stroud District Council;
7. Gloucestershire Safeguarding Children Board;
8. HM Customs and Excise.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

http://www.stroud.gov.uk/info/licensing/gambling_authority_list.pdf

1.7 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)".

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested Parties can be persons who are democratically elected such as MP's, District Councillors and town and parish councils. The Licensing Authority will not require specific evidence from such persons, of them being asked to represent an interested person, as long as the Councillor / MP represents the ward likely to be affected by the application. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will normally be sufficient proof of that fact.

Interested Parties wishing to approach Councillors to ask them to represent their views should take care that the Councillor(s) are not part of the Committee that deals with licensing matters who could subsequently be required to deal with the licence application.

1.8 Information exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This Licensing Authority will act in accordance with the provisions of The Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in The Act.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

1.9 General Principles

This "Statement of Principles" sets out the principles that the Licensing Authority will apply when making decisions upon applications or notifications made for:-

- Premises Licences;
- Temporary Use Notices;
- Occasional use Notices;
- Permits as required under the Act;
- Registrations as required under the Act.

Nothing in this Statement of Principles will:-

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

Each application will be treated on its own merits.

The Licensing Authority will seek to regulate gambling within its area in the public interest.

1.10 Enforcement

The main enforcement and compliance role for this licensing authority in terms of The Act will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for operating and personal licences. The Commission will also deal with any concerns about manufacture, supply or repair of gaming machines

The Licensing Authority will follow the relevant principles set out in the Regulators code together with any relevant guidance from the Gambling Commission and legislation. The Licensing Authority will adopt and adhere to the principles of better regulation.

The Licensing Authority is required by regulation under The Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

This Licensing Authority will adopt a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The principles set out in this statement of licensing policy

The aim is to target high-risk premises whilst adopting a "light touch" approach to lower-risk premises. **The authority will seek to give advice to licence holders that wish to comply but will take a firm stance against irresponsible licence holders**

Where the Licensing Authority seeks to bring a prosecution, it will have regard to the principles of the Crown Prosecution Service Code for Crown Prosecutors.

The Licensing Authority will seek to work actively with the Gambling Commission and the Gloucestershire Constabulary in enforcing licensing legislation, and where appropriate it will establish protocols with those partner agencies on enforcement issues to ensure an efficient use of resources.

1.11 Licensing Authority Functions

The Act requires this Licensing Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *Members' Clubs* and *Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *Unlicensed Family Entertainment Centres*;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register *Small Society Lotteries* below prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

Part B

2 Premises Licences

2.1 Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres.

Premises licences will be subject to the requirements set out in The Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.2 Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;

- an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or
- has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Gambling Commissions Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

2.3 Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their local risk

assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

This Licensing Authority will expect the local risk assessment to consider as a minimum:

- Location of institutions, places or areas, where the presence of children and young persons should be expected such as schools, colleges and universities, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- Locations where children may congregate such as bus stops, cafes, shops etc
- Areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc
- Local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Proximity of premises which may be frequented by vulnerable people including those with learning difficulties, and those with gambling / alcohol / drug abuse problems such as hospitals, residential care homes, hostels, medical facilities, doctors surgeries, addiction clinics or help centres
- Other facilities in the proximity such as other gambling outlets, banks, public houses etc
- Whether the premises is in an area subject to high levels of crime and/or disorder
- Known problems in the area such as those arising from street drinkers, drug dealing activities etc

There is information about Gloucestershire Health and Wellbeing Trends on the Inform Gloucestershire website:

<https://inform.gloucestershire.gov.uk/MainMenu.aspx?cookieCheck=true>.

Additionally there is information about Gloucestershire crime trends on the Police UK website <https://www.police.uk/gloucestershire/>

The Licensing Authority will expect the local risk assessment to include policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include:

- Training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken,
- Safeguarding training
- The layout of the premises so that staff have unobstructed view of customers
- Ensuring that layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Location of CCTV

- Numbers of staff available at the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Records held of the numbers of self exclusions, and underage refusals at the premises
- Results of any in house underage test purchasing at the premises
- Ensuring any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues that may attract children to the area
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities
- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of Stroud District Council or the Gambling Commission

2.4 Local Area Profile

There is no statutory requirement for the Licensing Authority to undertake a local area profile and this authority has decided not to do one as there are only a low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on Stroud District Council's website. If a local area profile is produced it is expected that local risk assessments will take account of it.

2.5 Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Authority may accept an updated plan. However if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. For example the moving of gaming machines which impacts on the line of sight for staff.

2.6 Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

In determining an application this Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

2.7 Other Mechanisms to address unruly behaviour

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour.

2.8 Location

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, colleges, universities youth clubs, parks, playgrounds etc
- Proximity to residential areas where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people including those with learning difficulties, and those with gambling / alcohol / drug abuse problems such as hospitals, residential care homes, hostels, medical facilities, doctors surgeries, addiction clinics , help centres

~~for the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children.~~

Proposals for new gambling premises which are in close proximity to the above are considered likely to adversely effect the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

2.9 Primary Activity

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of

licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

2.10 Meaning of "Premises"

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities in Part 7 which states that:

"Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (nongambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?

- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority will take account of the Gambling Commission's Guidance in Part 7 which details the relevant access provisions for each premises type. These include:

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per para 7.24 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino;
 - an adult gaming centre.

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

2.11 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;

- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Gambling Commission's Guidance.

2.12 Planning

The Gambling Commission's Guidance to Licensing Authorities states in Part 7:

"In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal".

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from Part 7 of the Gambling Commission's Guidance:

"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building".

2.13 Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing Objectives

2.14 Prevention of crime and disorder objective

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is therefore expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant or a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

2.15 Ensuring that gambling is conducted in a fair and open way objective

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

2.16 Protection of children and other vulnerable persons objective

Gambling is a legitimate leisure activity enjoyed by many however some individuals do experience significant harm as a result of their gambling. The Gambling Commission have noted, in a briefing paper dated October 2017 called 'Gambling-Related Harm As A Public Health Issue', that harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and in some cases criminality and substance misuse.

Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with Gloucestershire Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

2.17 Vulnerable Persons

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.”

2.18 Door Supervisors

The Gambling Commission Guidance advises that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). . Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

2.19 Adult Gaming Centres

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

2.20 (Licensed) Family Entertainment Centres:

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation and other safeguarding issues
- Clear policies that outline the steps to be taken to protect children from harm

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

This Licensing Authority will, in accordance with the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

2.21 Casinos

There are currently no casinos operating within the District.

At present this Licensing Authority has not passed a resolution not to issue casino premises licences generally in the District. However this Licensing Authority reserves the right to review this situation and may, at some time in the future, make such a resolution. Any such resolution will be made by the Full Council and this Statement of Principles will be updated.

2.22 Bingo Premises

The Gambling Commission's Guidance in Part 18 states:

"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas".

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Gambling Commission's Guidance states:

"Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed."

2.23 Betting Premises

Betting machines – This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

2.24 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines –

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines –

This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans -

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Gambling Commission's Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Gambling Commission's Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Gambling Commission's Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Gambling Commission's Guidance, Part 20).

This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Gambling Commission's Guidance, Part 20)

2.25 Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

2.26 Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement;
- stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.27 Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and

- in accordance with the Licensing Authority's statement of licensing policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

2.28 Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where

appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

PART C

3. Permits, Temporary & Occasional Use Notice

3.1 Unlicensed Family Entertainment Centres (FEC)

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for a Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Gambling Commission's Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- **training for staff for identifying and how to report safeguarding and child sexual exploitation concerns**

This Licensing Authority will also expect applicants to:

- **Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the**

nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre

- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

3.2 (Alcohol) Licensed Premises - Gaming Machine Permits.

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the codes of practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to The Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3.3 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Gambling Act 2003 states that a Licensing Authority can decide to prepare a statement of principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.4 Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the

gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs,. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Commission's Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Commission's Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance.

3.6 Occasional Use Notices:

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

Part D

4 Further Information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
Glos, GL5 4UB

Tel: 01453 754440
Fax: 01453 754963
E-mail: licensing@stroud.gov.uk
Website: www.stroud.gov.uk

Further information including gaming machine stakes and prizes licence conditions and codes of practice may also be viewed on the Gambling Commission's website www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	Full Council	Sub-committee of Committee that deals with Licensing (Licensing Panel)	Officers
Statement of Principles	X		
Policy not to issue casino premises licences	X		
Fee Setting - when appropriate			X (to be approved by Chair of Committee that deals with licensing matters)
Application for premises licences		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no relevant representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Request to review a premises licence			X (in consultation with the Head of Legal Services)
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X

**Gambling Act 2005
Stroud District Council's Draft Statement of Principles**

List of Consultees

Responsible Authorities	
Chief Officer of Police	licensing @gloucestershire.police.uk
Fire and Rescue	fire.safety@glosfire.gov.uk
Gloucestershire Safeguarding Children Board	gscb@gloucestershire.gov.uk
Environmental Health	environmental.health@stroud.gov.uk
The Local Planning Authority	planning.enquiries@stroud.gov.uk
Licence Holders and Representative of the trade	
All Premises Licence holders	
BACTA (representing the British Amusement Industry)	info@bacta.org.uk
Association of British Bookmakers Ltd	mail@abb.uk.com
M Recaf Equipment Limited	info@recaf.co.uk
Gamestec Leisure Ltd	enquiries@gamestec.co.uk
Persons/bodies representative of businesses and residents	
Stroud District Council - Members	
Parish Councils/Town Councils	
Stroud and District Citizens Advice Bureau	
Gamcare	
Your Circle	
Other	
Stroud District Council - Strategic Heads/ Heads of Service	
Stroud District Council - Legal Section	
Stroud District Council – Neighbourhood Wardens	
Community Safety Partnership	
Gloucestershire Safeguarding Vulnerable Adults Board	
Gloucestershire Public Health	
Regional Officer, Gambling Commission	
Gloucestershire Licensing Authorities	
Stroud District Council Web Site	
Notice on Notice Board Reception Stroud District Council Ebley Mill	
yourcircle@gloucestershire.gov.uk	

Gambling Statement - Schedule of Consultation Responses and Working Party Comments
Consultation Period 14th May 2018 to 31 July 2018

	Consultee details	Consultee Comments	Working Party Assessment	Working Party Recommendation
1	Councillor Whiteside	I looked at the many paged 'Statement of Principles' and I couldn't find any principles in it at all. Lots of good detail - but no principles of how the SDC considers gambling, our understanding of the risks to vulnerable people and how we will use the principles to guide our licensing decisions. I hope this can be addressed.	<p>The layout of the Statement and the principles that should be included are laid out in the Act and the Gambling Commission Guidance. Stroud District Council's Statement covers all the required points.</p> <p>Stroud District Council's Statement gives a lot of detail in paragraph 2.3 about what this Council expects an applicant to include in their local risk assessment to ensure that vulnerable people are protected. Additionally paragraph 2.8 gives guidelines of the types of locations that may be inappropriate due to proximity to places frequented by young or vulnerable persons. Paragraph 2.17 gives a definition of vulnerable persons.</p> <p>The policy can be expanded to emphasize the risks to vulnerable persons and how this will be used to guide licensing decisions</p>	<p>Paragraph 2.8 is expanded to emphasize those applications for premises in locations frequented by children and vulnerable person are likely to adversely affect the licensing objective of protection of children and vulnerable persons.</p> <p>Paragraph 2.16 is expanded to state that gambling is a legitimate leisure activity enjoyed by many however some individuals do experience significant harm as a result of their gambling. The Gambling Commission have noted, in a briefing paper dated October 2017 called 'Gambling-Related Harm As A Public Health Issue', that harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and in some cases criminality and substance misuse.</p>
2	Wotton-under-Edge Town Council	Wotton-under-Edge Town Council considers the consultation document to be well thought out and fully supports Stroud District Council's Statement of Principles therein.		No amendment required

Appendix 2

3	Stroud Town Council	<p>Thank you for a well written and easy to read document, particularly as proposed changes were highlighted in red.</p> <p>We have no observations other than to ask if the suggested consultation could be extended to the voluntary sector, including Your Circle, CAB, addiction counselling and Gamblers Anonymous.</p>	<p>Links to the consultation were sent to yourcircle@gloucestershire.gov.uk advice@ca-scd.org.uk info@gamcare.org.uk</p> <p>Google searches found no suitable contacts to send consultation to Gamblers Anonymous</p>	<p>Consultee list in Appendix B of the draft Statement of Principles is updated</p>
4	Nailsworth Town Council	<p>Nailsworth Town Council welcomes SDC's amended Statement of Principles, with the increased focus on local conditions and risk assessments, and the protection of vulnerable members of our community.</p>		<p>No amendment required</p>
5	Gamcare	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below</p> <ol style="list-style-type: none"> 1. A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related 	<ol style="list-style-type: none"> 1. Whilst this authority recognizes that a risk map of the local area may be beneficial for large urban areas such as Manchester and Westminster it is felt that, as there are only a very low number of Gambling Premises in Stroud District and resource is needed to create such a profile, that it is not required for our district. 	<p>Extra points added to paragraphs 2.3 and 2.8 of the draft revised statement to pick up Gamcare points relating to protection of children and vulnerable persons which are not already included</p>

		<p>harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</p> <ol style="list-style-type: none"> 2. Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities. 3. A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place. 4. Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported 	<ol style="list-style-type: none"> 2. Paragraph 2.8 of SDC's revised statement already covers many of these points but can be expanded to include all. 3. Paragraph 2.3 of SDC's revised statement gives clear guidance on what this Council expects to be included in a premises local risk assessment 4. Paragraph 2.3 SDC's revised statement explains that this Council expects a premises local risk assessment to include training records for staff such as how to recognize excessive gambling or vulnerable person 	
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		<p>appropriately?</p> <p>5. Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</p> <p>6. Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <p>7. Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.</p>	<p>5. Paragraph 2.3 SDC's revised statement explains that this Council expects a premises local risk assessment to include numbers of staff available on premises at any one time. But policy can be expanded to include adequate staff for key points through the day.</p> <p>6. Paragraph 2.3 can be expanded to include that this Council expects premises local risk assessment to ensure that layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling</p> <p>7. Paragraph 2.3 can be expanded to include that this Council expects a premises local risk assessment to consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so</p>	
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STROUD DISTRICT COUNCIL
STRATEGY AND RESOURCES COMMITTEE

**AGENDA
ITEM NO**

TO COUNCIL ON 18 OCTOBER 2018

7b(i)

This is a copy of Agenda Item 7b report to the Committee on 4 October 2018

Report Title	First Report of Constitution Working Group 2018
Purpose of Report	For the committee to note the findings of the Working Group; and if appropriate resolve / recommend accordingly.
Decision(s)	<p>The Committee RESOLVES that:</p> <p>(a) no changes be made to the committee structure;</p> <p>(b) the Chairperson and the lead officer for each committee ensure that officer attendance is reduced as outlined in the report paragraph 2.3; and</p> <p>(c) the practice applied to the budget setting process in 2013/2014 to 2017/18 which ensured that all service committees had the opportunity to consider the annual budget proposals, be continued.</p> <p>The Committee RECOMMENDS TO COUNCIL that the terms of reference of the District Planning Review Panel (aka 'PRP') be amended as outlined in the report paragraph 2.7.</p>
Consultation and Feedback	The Group has included both independent members and members from each political group to provide the opportunity for consultation with all members.
Report Author	<p>Andrew Cummings, Head of Finance Services (Section 3) and Karen Trickey, Head of Legal Services on behalf of the Working Group:</p> <p>Cllr Pearson (Chair); Cllr Cooper; Cllr Kay; Cllr Reed; Cllr Studdert-Kennedy; Cllr Townley and Cllr Cornell (the latter attended the group's third and fourth meeting as a Labour Group representative).</p> <p>Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Background Papers	Committee Costs 2015 and 2017; Webcasting figures; Notes on number of views; Decisions taken during civic year; Member attendance records.

BACKGROUND

1.1 This is the first of two reports which the Group will be submitting to the Committee. As part of this initial phase of work, the cross party working group was tasked with considering:

- (a) Whether a further redistribution of functions between committees should take place to reduce the number of committees (in particular whether the Environment and Community Services & Licensing Committees might be amalgamated); and
 - (b) A review of the Council's Financial Regulations to assess how best to engage committees and Members in the budget setting process.
- 1.2 Members may recall that (a) was raised with a view to potentially reducing committee costs. The Group's findings on this matter are addressed below in Section 2 of the report. Turning to (b), this issue was raised in response to Members' concerns about the process for setting the annual budget applied in December 2017 and the limited involvement of committees in the budget process flagged up in January 2018's budget meeting. This matter is addressed in Section 3.

2. The Committee Issue

- 2.1 In approaching the question as to whether the Environment and Community Services & Licensing committees (ES and CS&L respectively) might be amalgamated, the Group agreed it was important that the objective of cost reduction should not be considered in isolation of securing effective decision making. In undertaking the review, the Group looked for example, at committee costs, the number of decisions made by each committee, the terms of reference of the committees and webcasting viewing figures. It also discussed the matter with members of the two committees and the Chairpersons / former chairs of the affected committees, namely Cllrs Pickering, Ross and Robinson. The Group records their thanks to the latter members for their constructive comments.
- 2.2 It was noted that the average and total costs of all Member meetings with the exception of Housing Committee had fallen since the committee structure was assessed in 2015. This was due to a reduction in agenda and report printing costs. The key cost was officer time in terms of preparing reports and in particular in attending committee, the latter of which was not always the best use of their time. It was recognised that officer costs were not in practice likely to be significantly reduced (if at all) if the two committees were amalgamated as officers were still needed as part of the democratic decision-making process and for the majority of work undertaken outside of committees.
- 2.3 Members had noted officer attendance at some meetings seemed unnecessary and attendance had increased to some extent since the Group's last review in 2016. The Group considered it incumbent upon committee chairpersons to ensure that their lead officers (i) keep officer attendance to the essential; (ii) avoid officer "buddying" at committee; and (iii) any officers present are able to deal with questions regarding the reports of non essential / non attending colleagues, as indeed some seemed to already. The Group also wished to remind all Members that it was important for them to read the committee papers ASAP before the meeting thereby providing sufficient time to raise any questions on the report with the relevant officers in advance of the committee meeting.

- 2.4 The Group assessed whether or not moving away from evening to earlier committee times might be beneficial (e.g. by officers being 'on call' for committee rather than simply sitting in committee during the evening). This issue had been raised as a potential cost saving although previous considerations of such had indicated savings would be negligible and this would be particularly the case if officer attendance was effectively managed as outlined above.
- 2.5 It was noted that evening meetings remained beneficial as they enabled and encouraged a wider demographic of Members to attend. With the availability of webcasting and a diverse range of working hours etc., it was not considered that evening meetings were as large a driver for public attendance as might have been the case some years ago. Nevertheless, webcasting viewing figures did illustrate that individuals were remotely viewing meetings particularly when contentious items were considered and that (viewer) interest in ES and CS&L was generally lower than the other service committees.
- 2.6 Having considered the views expressed by those who had chaired and / or attended ES and CS&L, the Group noted that the two committees' approach / style of working (not just the nature of their work) varied from each other, such variations being possible and advantageous within the existing Constitution. Whilst the total number of decisions made by both committees together did not exceed that of any other individual committee, it was not considered by those familiar with the work of the two committees, that a single committee would improve the effectiveness of the decision making (given their diverse approach / work) nor significantly reduce costs (as more meetings might be required, meetings would be longer and officers would still have to be engaged by the Council).
- 2.7 In the course the Group's discussion with the Chair of ES, it was highlighted that the work of the District Planning Review Body (known as PRP or the Planning Review Panel) most closely aligns with the strategic local plan responsibilities of ES. Further, in practice local plan matters discussed by the PRP have been reported to ES and are more likely to do so over the coming months in view of the current local plan review. The Group noted that there is overlap between the terms of reference of the PRP regarding which committee it might report to. For example, on local plan issues the ES would be more relevant and for general planning management issues, the responsible committee would be S&R. In short, this is all at odds with the Constitution which provides that the PRP should (only) report to the Strategy and Resources Committee (S&R), being the committee which is currently responsible for PRP. (The PRP's terms of reference cover (i) issues affecting the delivery of the Council's strategic planning policies; (ii) review of planning appeal decisions which have key implications for the Council's strategic planning policy or performance; and (iii) where appropriate, making recommendations to S&R to promote the continuous improvement in planning performance and policy strategy). Consequently, it is proposed that the PRP terms of reference be amended to enable (a) the Group to report to ES or S&R as appropriate and (b) for there to be amendments to the previously resolved requirement that the

body be chaired by a member of S&R, so that the existing chairing arrangements accord with the terms of reference. For the avoidance of doubt, no other changes are proposed to the PRP.

- 2.8 In summary for the 'Committee Issue', taking all matters into account, the Group concludes that the current committee numbers should not be changed. However, relatively minor amendments should be made to the Constitution to address the issues regarding the PRP.

3. The Budget Issue

- 3.1 The Group agreed the importance of clarifying that revenue budget estimates will be presented, by the S151 Officer, to each service committee. These estimates will include those items where the budgeting monitoring process has identified cost pressures or savings within the budget. The estimates will be produced within the overall scope of the Budget Strategy, agreed in advance by Strategy and Resources Committee. Committees will then have the ability to feed into the overall budget process by making recommendations to Strategy and Resources Committee and to Council.
- 3.2 The Group also felt that it was important that service committees have an ability to be involved in the budget process early on rather than just in the final stages. The S151 Officer highlighted that the Q1 Budget Monitoring estimates to Committees are an early indication of the sorts of issues which may be raised when the estimates return to Committees and discussion around those reports should be framed on that basis
- 3.3 With regards to the Financial Regulations, Section B1 is to be adjusted under the delegated powers of the Monitoring Officer to clarify that the committees referred to are the service committees.

4. Next steps

- 4.1 Subject to any additional comments from the Committee regarding the group's next phase of work, the Committee resolved at its meeting in July 2018 that the group would "*undertake a review of the Role Profiles for Councillors (Part 16 Constitution) to further promote and improve Member involvement in the decision making process... the aim of such [being] to help ensure that all Members have the support they need and are clear as to their responsibilities as elected representatives... This potentially includes consideration of a range of matters such as Member engagement including the better recognition of Member Champion roles in promoting Council policy objectives; improving work plans for committees including scrutiny and review functions; extending public speaking; assessing the effectiveness of the current opportunities for Members to challenge committees; and the possible use of substitutes.*" It is anticipated that the Working Group will reconvene in early November.

STRATEGY AND RESOURCES COMMITTEE

TO COUNCIL ON 18 OCTOBER 2018

7b(ii)

This is a copy of Agenda Item 8 report to Committee on 4 October 2018

This report was also presented to Housing Committee on 11 September 2018.

Report Title	Additional Housing Revenue Account (HRA) Borrowing Programme (2019/20, 2020/21 and 2021/22)
Purpose of Report	To provide the Committee with details of the proposed bids to Homes England for the Additional HRA Borrowing Programme.
Decisions	<p>The Committee RECOMMENDS to Council:</p> <p>To approve the bids to the Ministry of Housing, Communities and Local Government (MHCLG), through Homes England, for additional borrowing from the 'Additional HRA Borrowing Programme (2019/20, 2020/21 and 2021/22)' for the following schemes:</p> <p style="text-align: center;">Broadfield Road, Eastington Orchard Road, Ebley Queens Drive, Cashes Green Ringfield Close, Nailsworth Southbank, Woodchester Summersfield Road, Minchinhampton Tanners Piece, Nailsworth The former Ship Inn site, Bridgend</p>
Consultation and Feedback	Consultation has taken place with the relevant ward councillors, with the Chair and Vice Chair of Housing and the proposal was discussed at Housing Review Panel on the 14 August 2018 and Housing Committee on 11 September.
Financial Implications and Risk Assessment	<p>This is an opportunity for the debt cap of the HRA to be increased, which would open up available headroom and allow the HRA to borrow to build new affordable housing.</p> <p>Any additional borrowing would have associated interest costs, and although not compulsory in the HRA it would be recommended that provision is made from the rental income to repay the additional borrowing.</p> <p>The net rental income from the new housing would need to be sufficient to fund these costs so that it doesn't negatively impact the overall position of the HRA over the medium and long term. The funding mix included in this report is such that it is supportable by the rental income and so doesn't materially impact the HRA. Once the borrowing is repaid (modelled at 30 years), and interest payments cease, the rental income would be expected to positively contribute to the HRA.</p>

	<p>Should SDC be successful in securing additional borrowing capacity, careful management of the schemes would be necessary to ensure deliverability within the timescales. Any major slippage could result in the borrowing being reallocated to other councils.</p> <p>If the additional borrowing bid is not awarded by the Ministry of Housing, Communities and Local Government (MHCLG), these schemes would not all be able to go ahead within these timescales as the funding is not currently fully available within the HRA.</p> <p>Any new schemes would need to be included in the capital programme for 2019/20 – 2022/23 and be approved by Council.</p> <p>David Stanley, Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk</p>
<p>Legal Implications</p>	<p>The government has produced a prospectus, FAQ's and online submission guidance, any bid will need make sure it adheres to those. Bids for additional borrowing will need to be signed off, and certified by the section 151 officer who will also need to confirm in the bid that the borrowing is affordable. Bids will need to confirm that (aside from Shared Ownership and Affordable Homes Programme grants, where applicable) that schemes are not expected to receive other Government grant funding (this does not stop the use of developer contributions secured through the planning regime).</p> <p>The bids will have been submitted (as there is a deadline of 30th September 2018) in advance of this committee, the FAQ's note that <i>"...local authorities can submit bids ahead of formal sign-off and use the 'additional information' free text box to explain the extenuating circumstances."</i> Should formal sign-off not be received the bids will need to be withdrawn.</p> <p>The Government anticipates that successful authorities will be permitted to vire additional borrowing between one agreed project and another within an individual year (subject to SDC's Scheme of Virement), but not be able to vire additional borrowing between projects across different years, as such the financial implications in respect of careful management and slippage are reiterated. It is essential that the affordability of the payments of any loan is adequately considered before the loan is entered into and a risk assessment should be conducted prior to any bid being submitted.</p> <p>Craig Hallett, Solicitor & Deputy Monitoring Officer Tel: 01453 754364 Email: craig.hallett@stroud.gov.uk (Ref: r11.09c13.09d20.09)</p>

Report Author (s)	<p>Leonie Lockwood, New Homes and Regeneration Manager Tel: 01453 754153 Email: leonie.lockwood@stroud.gov.uk</p> <p>Lucy Clothier, Principal Accountant Tel: 01453 754343 Email: lucy.clothier@stroud.gov.uk</p>
Options	The alternative option is to not bid for additional borrowing through this Homes England's programme and to limit the development of new homes to those that can be contained within the existing MTFP.
Performance Management Follow Up	The outcome of the bids will be contained in the next update to members on the New Homes and Regeneration Programme following the announcement of the allocations from Homes England due in the autumn 2018
Background Papers/ Appendices	None

1.0. Introduction

- 1.1 In October 2017, the Government announced that an additional £1bn of HRA borrowing headroom would be made available to areas of high affordability pressure and on 26 June this year the prospectus was launched. The guidance shows that this is expected to be split with £500m for London councils and £500m for authorities outside of London. This is over a three year period from 2019/20 to 2021/22.
- 1.2 The Council is currently at its debt cap and is unable to borrow further money in the HRA. The increase in headroom would allow further borrowing to take place to enable a further programme of new council homes to be delivered and the council has been lobbying central Government to allow it to do this
- 1.3 The benchmark for 'high affordability pressure' has been determined as being a difference of £50 or more per week between social and private rents. On this basis the Council has been assessed as being eligible to bid for the £500m additional headroom, along with 165 councils outside of London, of which approximately 90 have HRAs.
- 1.4 The deadline for bids is 30 September 2018. A bid must be made for each specific scheme and therefore we would not be able to group together schemes, but are able to bid separately for each one. Bids will be assessed individually and therefore the Council may be allocated funding for none, one or more, or all of the schemes.
- 1.5 Additional borrowing can be combined with Right to Buy (RTB) receipts or grant funding through the Homes England SOAHP 2016-21 programme, but not a combination of both. The affordability of additional borrowing must be signed off by the Section 151 Officer.
- 1.6 Bids need to demonstrate, and will be ranked on, three key elements:

Value for money – looking at unit scheme costs and the amount of additional borrowing per unit, and as a percentage of total scheme costs. Supplemented by reducing costs through bringing forward own land and procurement efficiencies.

Bids may include regeneration schemes, but there must be reassurance on the additionality of housing, as well as value for money.

Deliverability within programme timescale – it should be shown that the Council has the skills and resources for schemes to be started in the relevant year (as per the bid) and delivered on time and on budget. This would include for example the position of any planning applications, ownership of required land and the track record of the Council in delivering new housing. The Council has Investment Partner status with Homes England and received a ‘green’ compliance audit in 2017/18 with no breaches and therefore is in a good position in this regard. If there is slippage the additional headroom may be reallocated.

For schemes that involve a bid for the SOAHP grant alongside additional borrowing the Council must ensure that starts on site take place by March 2021.

Affordability – Schemes meeting the above requirements will be ranked on the difference between average social and private rents with areas with a higher differential attracting the additional headroom. It should be noted that there are a large number of local authorities eligible to bid for the funding and where we stand in the rankings is not known.

1.7 Results of the bidding process will be announced in the autumn.

2.0. The Proposed Bids

2.1. The Council has been aware since last autumn that this opportunity was to be launched and therefore has been preparing for this eventuality on the assumption that it would fall within the affordability eligibility criteria for bidding.

2.2 A programme of schemes and indicative funding has been prepared as detailed in the table below.

	No Of Units			Costs						NPV £000s
	Rented	Shared Ownership	Total	Total Scheme Costs £000s	HE Grant £000s	RTB receipts £000s	Sales Income £000s	Other HRA Funding £000s	Borro wing Bid £000s	
Former Ship Inn Site, Bridgend	6	3	9	1,500	198		194	225	883	-236
Southbank, Woodchester	3	2	5	1,202	60	225	128	260	529	-80
Tanners Piece, Nailsworth	11		11	1,794		538		896	360	-47
Queens Drive, Cashes Green	7		7	1,040		310			730	39
Orchard Road, Ebley	5		5	715		212			503	24
Ringfield Close, Nailsworth	16	5	21	3,213	150	708	378		1,977	365
Broadfield Road, Eastington	7	2	9	1,115	60	235	144		676	-28

Summersfield Road, Minchinhampton	7		7	920		274			646	77
Totals	62	12	74	11,499	468	2,502	844	1,381	6,304	114

Net Present Value (NPV) is the difference between the present value of income and expenditure over a period of time, in this case 30 years.

- 2.3 These sites are considered to be those that will meet the deliverability criteria with all of the sites already having had pre application planning advice and ground investigations, ecology and topographical surveys have been commissioned.
- 2.4 It is proposed that for schemes for rent the borrowing is mixed with the Council's Right to Buy (RTB) Receipts, subject to available receipts. For the shared ownership homes (as RTB receipts can only be used to fund rented homes), it is proposed that grant funding is secured through the Homes England's 2016-21 SOAHP programme, subject to available funding within this programme.
- 2.5 Members resolved at the Housing Committee on 28 June 2018, to authorise the Head of Property Services, in conjunction with the Section 151 Officer and the Chair of Housing to sign the Homes England Grant Agreement for the 2016-21 SOAHP and to submit bids. This agreement has now been received and is in the process of being reviewed and signed. This will then give the Council access to the grant funding for the shared ownership properties that form part of this bid.
- 2.6 As the deadline for the submission of bids is the 30 September the bids will be made on the clear understanding that the application is subject to Council approval. If approval is not confirmed SDC can withdraw its application.
- 2.7 Housing Committee, in June 2017, approved that Affordable Rents be charged on properties built or acquired using RTB receipts. As we are proposing to mix RTB receipts with this borrowing for rented homes then affordable rents will be charged for this programme of council homes.
- 2.8 Homes England has announced that bids for social rents under the SOAHP can now be made. However, it is also a condition of this bid for borrowing that each scheme demonstrates that the net rental income is sufficient to support the cost of the additional borrowing (any schemes that do not meet this criteria will put further pressure on the HRA 30 year position). This is already difficult to achieve with affordable rents and, therefore it is not possible when charging lower social rents, without the contribution of significant internal subsidy. Internal subsidy means that the Council's existing residents would be subsidising these new homes as savings would need to be found across existing HRA spend.
- 2.9 Members will note that three of the schemes already form part of the current New Homes and Regeneration programme, namely The former Ship Inn site, Southbank and Tanners Piece. The funding for these schemes is already contained within the MTFP. It has been confirmed in the FAQs circulated by MHCLG that existing schemes can be included in the Council's additional borrowing bid. The remaining funding contained within the MTFP for these schemes can then be used for other schemes that are less advanced and may not pass the deliverability test for this bidding round.

3.0. Recommendation

- 3.1 In view of the increasing need to provide affordable homes, the current cap on further HRA borrowing and the council's desire to deliver as many new affordable homes through its New Homes and Regeneration programme as possible it is proposed that this Committee recommends to Strategy and Resources Committee that the bids, (as detailed in this report) to Homes England for additional borrowing from the 'Additional HRA Borrowing Programme (2019/20, 2020/21 and 2021/22)' are approved.

STRATEGY AND RESOURCES COMMITTEE

TO COUNCIL ON 18 OCTOBER 2018

This is a copy of Agenda Item 9 report to Committee on 4 October 2018

7b(iii)

Report Title	LOCAL COUNCIL TAX SUPPORT SCHEME
Purpose of Report	To set a Council Tax Support Scheme for the period 01 April 2019 to 31 March 2020.
Decision(s)	Strategy and Resources Committee RECOMMENDS to Council that it adopts the current Local Scheme as the scheme for Stroud District Council for the period 01 April 2019 to 31 March 2020, keeping the scheme unchanged.
Consultation and Feedback	Consultation took place between 06/08/2018 - 14/09/2018
Financial Implications and Risk Assessment	<p>The report recommends that the Council continues with the default Local Council Tax Support scheme that was adopted in April 2013. The report also sets out the cost associated with providing the same level of Council Tax support locally that was previously provided under the national Council Tax Benefit scheme.</p> <p>Whilst an element of this cost has been absorbed through increases in the overall taxbase and changes to other discounts and exemptions, the overall cost has increased year-on-year. This is due to the initial funding from the government being included within the Revenue Support Grant and the Business Rates baseline assessment. As RSG has reduced, the total cost to the council has increased despite a reduction in caseload numbers.</p> <p>To reduce the cost to the Council, changes would have to be made to the level of support provided to working age claimants. Most local authorities have already incorporated a reduced level of support into their local schemes. This should be reviewed and considered on an annual basis as part of the statutory consultation process. There is a risk that the cost of maintaining the current local scheme will increase if the number of claimants rise due to a deterioration in the local and national economy.</p> <p>David Stanley – Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk</p>

Legal Implications	The Council is required each year to consider whether to revise its scheme or replace it with another. The Council is also required to undertake consultation when reviewing the scheme and certain stakeholders are required to be informed and this has been dealt with in the body of the report. Craig Hallett, Solicitor & Deputy Monitoring Officer Tel: 01453 754364 Email: craig.hallett@stroud.gov.uk (Ref: r12.09c17.09d20.09)
Report Author	Simon Killen – Revenue and Benefits Manager Tel: 01453 754013 Email: simon.killen@stroud.gov.uk
Options	Council could choose to adopt a scheme that reduces the Council Tax Support that working age claimants receive
Performance Management Follow Up	Scheme impact and costs will be monitored on an on-going basis and any significant changes will be reported to the committee.
Background Papers/ Appendices	Appendix A – Summary of Scheme

1. BACKGROUND

- 1.1 The Welfare Reform Act 2012 abolished Council Tax benefit. Under the Local Government Finance Act 1992 local authorities are required to develop a local Council Tax Support scheme which protects pensioners.
- 1.2 Following a countywide consultation, all of the Gloucestershire districts have adopted the default scheme since 2013/14 (apart from Cotswold DC) which basically mirrors the previous Council Tax Support scheme and has meant no changes or reduction in support.
- 1.3 Consultation has been carried out on ways by which the scheme could be changed for 2019/20. Within the consultation were included some models by which we could reduce the level of Council Tax support for working age claimants only.
- 1.4 Members were consulted during the budget workshops earlier in the year. This included some options for an income banding scheme along with cost and increase in council tax charge.

2. WORKING WITHIN THE COUNTY

- 2.1 We have been working with the other districts on a new scheme for 2019/20. Some of the other Gloucestershire districts are now proposing to make changes to their schemes.
- 2.2 Nationally, just 37 councils continue to provide the same level of support as was available under the Council Tax benefit scheme ([Key Changes to Council Tax Support in 2017/18, New Policy Institute 2017](#))

2.3 As the billing authority, we must consult with our major preceptors, the Police and Crime Commissioner and Gloucestershire County Council on our proposed scheme. As the majority of Council Tax collected is on their behalf, should we decide not to change the scheme, they are most affected by any reduction in funding.

2.4 Between 06/08/2018 and 14/09/2018 a consultation has been carried out on the council's website seeking views from residents, as well as directly with interested parties such as Citizens Advice .

3. FUNDING AND COST OF THE SCHEME

3.1 Caseload data shows a reduction in the number of claimants entitled to Council Tax support

Year	CTAX Property Charge (£)	CTAX Support (£)	Cost of scheme (SDC share 12%) (£)	Working age case count	Pension able case count	Total Funding in RSG/BRR (£)	Shortfall (£)
2013/14	69,177,196	6,483,035	777,964	3,539	3,785	729,493	48,471
2014/15	70,156,842	6,254,020	750,482	3,520	3,596	636,603	113,879
2015/16	71,199,540	5,990,547	718,866	3,443	3,448	543,583	175,283
2016/17	74,528,050	5,971,690	716,603	3,294	3,288	443,924	286,679
2017/18	77,508,861	5,904,049	708,486	3,225	3,114	338,568	369,918
2018/19	82,105,107	5,755,073	690,609	2,998	2,979	291,797	398,812

*RSG – Revenue Support Grant / BRR – Business Rates Retention. RSG+BRR = SFA (Settlement Funding Assessment)

Note: The figures in the table above provide an indicative analysis of the difference between the cost of the local scheme and the total funding included with the Settlement Funding Assessment available to support it.

3.2 The changes made to council tax discounts on empty properties have generated additional income to help offset the reduction in Government funding.

IMPLICATIONS

3.3 If the option to reduce Council Tax support is taken, we will be collecting money from claimants who may previously have paid nothing and also be faced with having to pay small amounts. There is a potential for a drop in the Council Tax collection and increase in cost of collection as a result of having to take more recovery action for non-payment..

3.4 If the Council Tax charge is increased in 2019/20 then there is a financial implication and risk to the council as government funding towards the Council Tax support scheme will not change

STRATEGY AND RESOURCES COMMITTEE

TO COUNCIL ON 18 OCTOBER 2018

This is a copy of Agenda Item 13c to the Committee on
4 October 2018**7b(iv)**

Report Title	BUDGET STRATEGY 2019/20 TO 2022/23
Purpose of Report	To set out the assumptions that will be used when preparing the upcoming Medium Term Financial Plan
Decision(s)	The Committee RESOLVES to: (1) Approve the Budget Strategy 2019/20 to 2022/23 as set out in this report, including the decision to bid for Business Rates Pilot status.
Consultation and Feedback	Formal budget consultation is currently taking place in the form of a telephone survey of local council tax and business rate payers
Financial Implications and Risk Assessment	There are no financial implications arising directly from this report, but it does summarise the financial position over the medium term, and the measures that have been taken to mitigate the impact of reduced funding levels. Andrew Cummings – Head of Finance (Section 151 Officer) Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk
Legal Implications	There are no legal implications arising directly from this report. The implications of any of the measures referred to below will need to be considered at the point of implementation. Mike Wallbank Solicitor Mike.Wallbank@stroud.gov.uk
Report Author	Andrew Cummings – Head of Finance (Section 151 Officer) Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk
Options	To review assumptions made in funding. To challenge long term cost projections.
Performance Management Follow Up	The budget and savings proposals for the Housing Revenue Account and General Fund will be considered by Service Committees in December 2018 and Strategy and Resources Committee in January 2019, with Council budget approval meeting also in January 2019.

Background Papers/ Appendices	Appendix A – Draft Medium Term Financial Plan 2019/20 to 2022/23 Appendix B – Current assumptions on budget changes
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1. INTRODUCTION / BACKGROUND

- 1.1 This report set outs the current assumptions on funding available throughout the period 2019/20 to 2022/23, and initial estimates on the level of cost pressures and savings that the Council may expect.
- 1.2 That information forms the basis for the detailed budget setting process now taking place throughout the Authority. Officers are reviewing all expenditure and income budgets to determine appropriate levels and identify savings where possible.
- 1.3 The Council’s Constitution sets out the process for the budget-setting framework. The Council’s General Fund and Housing Revenue Account (HRA) budgets for 2019/20, including the budget proposals of the administration, will be presented to full Council at their meeting on 24 January 2018. The budgets will have first been reviewed by service committees.
- 1.4 This strategy represents the first stage of the budget setting process for 2019/20 and many of the figures involved will be subject to significant review in the coming months before final Council budget approval. They are, however, based upon the most up to date assumptions at the current stage.

2. General Fund Budget Strategy and Medium Term Financial Plan Funding Projections

- 2.1 The upcoming financial year represents the final year of the government’s four-year settlement offer accepted by the majority of local authorities within the UK. This settlement primarily covered the level of Revenue Support Grant and the baseline for retained business rates funding. Council Tax and New Homes Bonus Grant did not form part of the four year settlement.
- 2.2 The four-year settlement originally showed a business rates tariff adjustment, known as “Negative RSG”, to Stroud of £549k in 2019/20. In July 2018 Central Government consulted on plans to remove this. Although the results of the consultation are not known at this time it is expected that this Negative RSG will now longer be payable in 2019/20, resulting in a one off boost to the MTFP.
- 2.3 The funding position for local authorities for 2020/21 onwards remains uncertain. Central Government is carrying out a “Fair Funding Review” which aims to set out the basis by which funding is allocated across the country between Councils from 2020 onwards. This process will not generally be about redistributing Government grants, as this now forms only a small part of national funding, but about setting the baselines which determine how much local business rates may be retained in each area. These baselines are also due to be reset in 2020.

2.4 It is not possible to make a definitive estimate at this stage of what the impact upon the Council will be as the final funding allocation system has not been determined. It is anticipated that Councils will receive their allocations under the new system in mid 2019. It is likely however that the review will see a general movement in funding from lower to upper tier authorities and it is highly probable that funding for Stroud will reduce. As a minimum this should be expected to be at the level of the previously expected negative RSG, and Business Rates forecasts have therefore been reduced by that amount from 2020/21 onwards in the draft MTFP.

New Homes Bonus

2.5 Changes to the grant in recent years have meant that only housing growth above a baseline percentage has been rewarded. This percentage is currently set at 0.4% but the government has announced its intention to increase that figure, effectively reducing the grant awarded to the Council. The consultation states that this decision will be made when the national picture for number of new properties is known in November. The assumptions in this Strategy have been modelled on a baseline of 0.8% which will be updated when figures are known with certainty.

2.6 The allocation of New Homes Bonus funding is dependent on the final figure of new homes in the district for the last year. The draft MTFP has been prepared on the assumption that the number of new homes delivered will be in line with recent years. More accurate allocations for 2019/20 will be known in time for the final budget setting process and the MTFP will be updated accordingly.

2.7 The funding for New Homes Bonus in 2019/20 is the final year agreed in the 2015 Spending Review. The Government has therefore announced plans to consider how funding after this period will be used to incentivise delivery that meets or exceeds local housing need. A small level of funding has been built into the draft MTFP for the final years of the plan as a prudent estimate. The current estimates of the funding available are shown in the table below.

Table 1 – NHB Forecast 2018/19 to 2022/23

Year of Reward	2018/19 (£'000)	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)
2013/14	667				
2014/15	933	933			
2015/16	238	238	238		
2016/17	337	337	337	337	
2017/18		75	75	75	75
Future Years			75	150	225
TOTAL NHB	2,174	1,583	725	562	300

Business Rates

- 2.8 The Business rates to be retained by the authority is forecast to grow gradually over the medium term. This is largely as a result of the inflation linked multiplier of Business Rates rather than significant property growth. There is a reduction in funding estimated for 2020/21 which is the possible impact of the fair funding review (see para 2.4). The detailed picture in relation to that review will not be known until during the 2019/20 financial year and will be reported to members when available.
- 2.9 The authority is participating in the Gloucestershire 100% Business Rates Pilot for 2018/19. The exact gain to the authority is not certain at this stage but current estimates suggest it will be a minimum of £500k. This sum is not included in the base budget for expenditure and when known will be placed within a reserve for future decision by Members in relation to its use. It will be possible to use the money to provide long-term savings to the MTFP in a number of ways including invest-to-save projects, funding capital projects previously earmarked for borrowing, and the repayment of existing debt. Options will be presented to members when the final amount is known.
- 2.10 During the summer the Government invited all local authorities to submit bids (with a deadline of September 25th) to form pilot areas for testing of a 75% rates retention scheme for 2019/20, such as is intended to be launched nationally in 2020/21. At its meeting of September 5th the Gloucestershire Economic Growth Joint Committee (GEGJC) gave approval for a Gloucestershire Bid, subject to the recommendation of the cross-County group of S151 Officers. That group met on September 12th to consider all the potential risks and rewards around the pilot bid. In particular the main risk is the impact of lost business rates should NHS Foundation Trusts within the County be successful in their legal case for 80% charitable relief. When bidding for the 100% pilot Government allowed a “no-detriment” clause meaning that authorities effectively would not be worse off as a result of the pilot. This will not be allowed for 75% pilots which leads to the pilot being exposed to additional risk.
- 2.11 It is the belief of that S.151 Group that, even allowing for the potential risks, a 75% retention scheme would bring an overall benefit to Gloucestershire. Therefore, in accordance with the GEGJC decision, a bid has been submitted. As part of the S.151 Officers decision to support the bid, the GEGJC will be asked to reserve a portion of 18/19 gain in a risk reserve. This will offer further protection to Councils against risk in 2019/20.

Council Tax

- 2.12 For 2018/19 the Government allowed Council Tax increases of up to 2.99% for District Councils and this was the increase agreed by Council. The Government is currently consulting on allowing that arrangement to continue for 2019/20. The MTFP therefore currently assumes an increase of 2.99% for 2019/20. This would represent an annual increase of £6.02 (11.5p per week) for a Band D Council Tax payer within the district. There is no certainty over permitted rises after 2019/20 so the MTFP reverts to an assumed annual increase of £5 for a Band D property.

2.13 The summarised level of funding can be seen in the draft MTFP at Appendix A. Appendix B shows the longer term adjustments which are currently assumed in the draft MTFP. These will be reviewed and presented for approval as part of the budget setting process.

3. Budget Assumptions

Pay and Price Inflation

3.1 Budgets relating to spend with external partners, including Ubico, will be subject to inflationary increases. At the time of writing the CPI inflation in the UK is 2.7%. The draft MTFP plans to allow for annual inflationary increases of 2.5% on contract sums. Increases on individual contracts may differ from this percentage based upon their individual circumstances but the overall sum allowed of £200k p.a. is deemed to be sufficient at this stage.

3.2 The local government pay settlement has already agreed a 2% pay increase for staff for 2019/20 so this is included within the plan as a known cost increase. The MTFP currently allows for additional increases in wage levels of 2% p.a. throughout the duration of the plan. This will kept be under review for changes both within local government and the wider public sector.

3.3 Inflation will not be included on budgets which are not related to salaries or contracts. It is anticipated that efficiencies will be used to maintain expenditure within existing budgets. This approach represents a small but significant way that the Council can achieve some real terms savings in expenditure.

Local Government Pension Scheme

3.4 The next actuarial review of the scheme will occur during 2019/20 and set the Council's contribution level. The previous valuation resulted in annual increases of £200k p.a. The level of payment after 2019/20 will be set in the review. To ensure the Council is suitably prepared for the impact of the valuation, at this stage an increase of £200k for each and every year of the plan after 2019/20 has again been included as an estimate of the future budget pressure.

3.5 The Council negotiated a reduced payment for the current three year period in return for paying a lump sum up front during 2017/18. The impact of this on the draft MTFP is a saving of £232k in 2019/20 only. At the point of the next review similar options will again be explored.

Interest Rates & Investment Income

3.6 The Bank of England base rate increased from 0.5% to 0.75% in August 2018. This will have no impact on existing Council Borrowing which is all at fixed rates but may result in some additional investment interest received. No adjustments have been made to the MTFP at this point.

Table 2 – Assumptions included within the Strategy

	2019/20	2020/21	2021/22	2022/23
Band D Council Tax Increase	2.99%	£5	£5	£5
Tax Base Increase	1.50%	1.50%	1.50%	1.50%
Pay Inflation	2%	2%	2%	2%
Contract Inflation	2.50%	2.50%	2.50%	2.50%

Borrowing and Minimum Revenue Provision (MRP)

- 3.7 The General Fund requirement for borrowing to fund past capital works currently stands at £16.622 million. This creates a need for a Minimum Revenue Provision (MRP), a charge to the General Fund to represent a prudent provision for the repayment of borrowing. This was budgeted at £1.291 million in 2018/19. As the capital programme has evolved since the calculation of that budget a reduction of £210k is likely to be possible for 2019/20. The current capital programme, as reported to Strategy and Resources Committee on 24th May 2018, includes £8.588 million of borrowing for General Fund capital purposes. It is therefore proposed to gradually build up the MRP budget to support the Authority's capital programme.
- 3.8 The existing capital programme is primarily funded by grants, the Council's capital reserve and by borrowing. It is expenditure financed by borrowing which creates the need for MRP. The Council will now look to minimise the impact of MRP by using existing resources rather than borrowing where appropriate. This may include in-year revenue funding or use of the capital, or other, reserves. Where borrowing is required the impact of MRP upon the revenue budget will be considered as a fundamental part of the planning for the capital scheme.
- 3.9 The largest element of the current MRP budget is an allowance for repayment of borrowing incurred for vehicles purchased for the Ubico contract in 2016/17. This repayment is scheduled to finish in 2021/22. The draft MTFP currently has no reduction of the MRP budget at that point. This will ensure sufficient revenue funding for further borrowing relating to a rolling program of fleet renewal.
- 3.10 This strategy does not consider the detail of the capital programme which will be included within the full budget report.

Fees & Charges

- 3.11 Previous budgets have mostly recommended that fees and charges are increased by 2% unless they are set by statute. Income budgets have however largely not been increased to reflect these increases. It is now proposed that fees and charges across the Council are reviewed to ensure that where necessary the Council is maximising income receivable and recovering reasonable costs. This in turn serves to partly mitigate the impact of cost inflation. An adjustment has been made to the draft MTFP of £150k additional income in 2019/20 and £50k for each of the next two years to reflect increases in fees and charges budgets.

Longer Term Budget Adjustments

- 3.12 The services provided through the Multi-Service contract with Ubico remain a significant budget pressure for the authority. Significant progress has recently been made in agreeing a revised budget setting and monitoring procedure. This will give the Council the certainty it needs to set and monitor budgets whilst also allowing for a continuing process of efficiencies with Ubico.
- 3.13 Review of the budgeting for the Ubico contract has highlighted the need to include a sufficient inflationary sum within the budget strategy to allow for issues such as staff pay awards and cost inflation. At this stage the draft MTFP allows for the provision of an additional £300k p.a. allowance to catch up for inflation since the start of the contract. After this catch up the overall provision within the budget strategy for contractual inflation will allow for increases in the Ubico sum.
- 3.14 The Work Force Plan Phase 2 is included to allow for savings of £250k in 2019/20 and an additional £100k to be delivered in 2020/21. This is in line with previously agreed budgets. Indicative savings targets of £250k for Phases 3 and 4 of the plan have been included for 2020/21 and 2021/22 respectively. The costs of the plan will be met either from in-year savings or from the Work Force Plan Reserve. Strategy and Resources Committee approved that reserve at a balance of £650k in May 2018. That is deemed to be sufficient at this stage. Members will be advised of the costs of the Work Force Plan through the budget monitoring process.

4. General Fund Medium Term Financial Plan

Use of Reserves

- 4.1 The Council has historically planned to use a General Fund equalisation reserve to bridge the gap between forecast expenditure and funding over the life of the MTFP. As at the end of the 2017/18 year the balance in this reserve was £6.017 million. This strategy currently plans for a continuation of that course in the short term. The General Fund equalisation reserve is used as the final source of funding for each year in the plan with a net budget deficit (2020/21 onwards).
- 4.2 This strategy has allowed Council to set a balanced budget in recent years, and it allows time to consider savings. However, it must now move towards a MTFP where expenditure is only equal to resources available. Savings opportunities to bridge the gap must be identified and implemented. These may include invest to save opportunities and income generation. Reserves currently being utilised to balance the annual budget could be then be invested into capital priorities or further savings opportunities. Additional savings required are forecast to be £841k by 2020/21, an additional £69k in 2021/22 and a further £408k in 2022/23 (see table 3).
- 4.3 The balance of earmarked reserves, available for revenue use, at the end of 2017/18 was £10.24 million, made up of £6.02 million General Fund equalisation reserve and £4.22 million other reserves. This is in addition to the General Fund balance of £2.169 million which this Strategy recommends be held at that level.

- 4.4 It is recommended that reserves be reviewed over the coming months to consider how these can be utilised to both meet the medium term financial challenges and deliver Council priorities.
- 4.5 The table below shows the current forecast of General Fund equalisation Reserve over the life of the draft MTFP.

Table 3 – Forecast level of General Fund equalisation reserve

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Estimated Surplus / (Deficit)	423	(841)	(910)	(1,318)
GF equalisation reserve				
Opening	6,091	6,514	5,673	4,763
Change	423	(841)	(910)	(1,318)
Closing	6,514	5,673	4,763	3,445

5. Housing Revenue Account (HRA)

- 5.1 In common with the General Fund, the Housing Revenue Account (HRA) faces financial pressures over the medium term plan period. HRA balances and reserves at the end of 2017/18 were relatively robust due to much lower levels of revenue and capital expenditure in the financial year (£3.003 million in general reserves, £2.576 million in earmarked reserves).
- 5.2 A review of budgets is underway. The proposed Budget and Rent Setting 2019/20 Report will be presented to Housing Committee in December, followed by Strategy and Resources Committee in January 2019.
- 5.3 Rents for both social and affordable rented dwellings are currently restricted to a 1% rent reduction, with April 2019 starting the final year of the four year rent reduction policy set out in the Welfare Reform and Work Act 2016.
- 5.4 It is not currently anticipated that a deficit will be identified over the MTFP period, and therefore Members may not be presented with a savings plan for 2019/20. However, there are a number of significant risks and uncertainties which should be considered when considering the medium and long term position of the HRA.
- 5.5 The total borrowing incurred for the HRA is £102.749m. All the external debt is at fixed rates and so there will be no fluctuations in interest payments for current borrowing over the medium term. There may be opportunities to re-schedule the debt to take advantage of discounts and this will be kept under review. Of the borrowing, £2.762 million is internally borrowed, utilising HRA balances over the short term. This is likely to rise by £2m in 2018/19 with an external loan being repaid. This will continue to be reviewed as balances reduce, in line with the Treasury Management Strategy.

5.6 The HRA is at the government's debt cap limit, and so under current regulations no further borrowing is permitted. Headroom can be increased, allowing for future borrowing, by making provision to repay existing debt. The opportunity to apply for more borrowing capacity has been announced in 2018, and a bid submitted to MHCLG subject to Council approval.

Draft MTFP 2019/20 to 2022/23

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Budget				
Opening Budget	14,514	14,382	14,376	14,718
<u>Recurring Changes</u>				
Pay Increases	230	205	205	205
Pensions Increases	204	200	200	200
Contract Increases	200	200	200	200
Revised Budget	15,148	14,987	14,981	15,323
Annual Changes (see Appendix B)	(766)	(611)	(263)	(13)
Revised Budget	14,382	14,376	14,718	15,310
Funding				
Council Tax	9,170	9,532	9,903	10,282
Prior year CT surplus	0	0	0	0
Business Rates (incl grants)	3,732	3,258	3,323	3,390
Business Rates Pilot	0	0	0	0
Other Grant	20	20	20	20
New Homes Bonus	1,583	725	562	300
Total Funding	14,505	13,535	13,808	13,992
Surplus / (Deficit) before Reserves Movements	123	(841)	(910)	(1,318)
Reserves Movements				
Use of Waste and Recycling Reserve	(300)			
Estimated Surplus / (Deficit)	423	(841)	(910)	(1,318)
GF equalisation reserve				
Opening	6,091	6,514	5,673	4,763
Change	423	(841)	(910)	(1,318)
Closing	6,514	5,673	4,763	3,445

Annual changes in Draft MTFP

	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Pressures				
End of Change Team Saving			100	
Contractual inflation catch up	300			
Drainage Board Levy	7	7	7	7
Total	307	7	107	7
Savings				
Removal of Waste Management Contingency		(50)	(50)	
Removal of General Fund Contingency	(50)			
Littlecombe Units Income	(61)			
Software Contingency		(100)		
Pension Prepayment - One Year Saving	(232)	232		
Car Parks - Existing Charges Only	(50)	(50)	(50)	(50)
Kingshill House	(20)			
MRP	(210)	30	30	30
WFP Phase 2	(250)	(100)		
WFP Phase 3		(250)		
WFP Phase 4			(250)	
Sub Rooms		(230)		
Investments	(50)	(50)		
Income Inflation and Fees and Charges	(150)	(50)	(50)	
Total	(1,073)	(618)	(370)	(20)
Net Changes	(766)	(611)	(263)	(13)

STRATEGY AND RESOURCES COMMITTEE

4 OCTOBER 2018

7b(v)

This is a copy of Agenda Item 10 report to Committee on 4 October 2018

Report Title	CAR PARK REVIEW 2018
Purpose of Report	To approve and adopt the amended Variation Order
Decision(s)	<p>The Committee RESOLVES that:</p> <ol style="list-style-type: none"> 1. The amended Variation Order (appended to this report) be approved for implementation 2. That car parking charges are not introduced in Dursley, Nailsworth, Stratford Park and Wotton-under-Edge
Consultation and Feedback	<ol style="list-style-type: none"> 1. Informal meetings with relevant town and parish councils 2. Members Information Evening undertaken – 8th May 2018 3. Public and statutory consultation 4. Town & Parish Councils and other organisations as detailed in the answer to Q2 Question at 9 August Council meeting (see link) https://www.stroud.gov.uk/media/738408/item-10-members-qa-council-9-8-18.pdf 5. A total of four petitions https://www.stroud.gov.uk/council-and-democracy/about-the-council/have-your-say/petitions/current-petitions
Financial Implications and Risk Assessment	<p>This report provides members with an update on the Car Park review and gives rise to the following financial implications:</p> <ol style="list-style-type: none"> 1. The amended variation order makes provision for ‘free after 3.00pm’ parking in the Council’s car parks in Painswick and Stonehouse. This report estimates that the reduction in income from such a change is £3k per annum. This will be contained within existing budgets. 2. The report recommends that charges are not introduced to the Council’s car parks in Dursley, Nailsworth, Stratford Park and Wotton-under-Edge. The Medium Term Financial Plan, as approved by Council in January 2018 included a savings target of £100k per annum from 2019/20 (increasing by £10k per annum thereafter) associated with the introduction of car parking charges to market towns. Whilst the Car Park Review 2018 report to Strategy and Resources in June 2018 provided an updated financial assessment of the costs and fee income associated with charging, the MTFP will need to be adjusted to recognise the current position as set out in this report. <p>David Stanley – Accountancy Manager Tel: 01453 754100</p>

	Email: david.stanley@stroud.gov.uk
Legal Implications	The revised draft Variation Order does not seek to introduce any changes which were not proposed in the version of the document which was previously published for consultation. As such, the required statutory consultation has already taken place.
Report Author	Joanne Jordan Director of Customer Services Tel: 01453 754005 Email: joanne.jordan@stroud.gov.uk Michael Towson Community Services Manager Tel: 01453 754336 Email: michael.towson@stroud.gov.uk
Options	1) No Change 2) Accept Variation Order 3) A change to the Variation Order
Background Papers	Parking Consultants Report – Ove Arup & Partners (Arup) https://www.stroud.gov.uk/parking-streets-and-travel/parking/stroud-district-car-parking-review Original Committee Report – 14 th June 2018 https://www.stroud.gov.uk/media/682550/item-6-car-park-review.pdf
Appendices	Appendix - Variation Order

1. Background and Context

1.1 A Car Park Review report was considered by this committee on 14 June 2018. It was resolved by committee to consult on the Draft Variation Order appended to the report and then report back to the committee at the end of the consultation.

1.2 At the 19 July 2018 Council Meeting the Leader made the following announcement:

"In view of the level of public interest, the Administration Group Leaders agreed that any recommendations on introducing car parking charges from the Strategy and Resources Committee would be referred to Council for determination."

1.3 On 16 August 2018 the following press release was issued:

Statement from Councillor Doina Cornell, Leader of Stroud District Council:

"After carefully considering the views of the public, parish and town councils, and businesses, Stroud District Council is stopping proposals to charge for car parking in Dursley, Nailsworth, Wotton-under-Edge and Stratford Park in Stroud. "We have listened to concerns and it has become clear during the past months that high street traders face a rapidly changing commercial challenge from a wide range of online services. I am

keen to continue dialogue with traders and councils about these ongoing challenges for town centres.”

2. Consultation Responses

- 2.1 The consultation received 1,080 submissions during the six week period. Responses from the Town and Parish councils can be found at the following link: <https://www.stroud.gov.uk/parking-streets-and-travel/parking/stroud-district-car-parking-review/consultation>
- 2.2 There were also four petitions, totalling 2,856 signatures, opposing the proposal to introduce charges, submitted.
- 2.3 The majority of submissions focused exclusively on the charging proposals and were overwhelmingly opposed to introducing charging.

3. Recommendations

- 3.1 Taking into consideration the Leaders statement on 16 August 2018 in 1.3 above, we will not be recommending the introduction of car parking charges in Dursley, Nailsworth, Wotton-under-Edge or Stratford Park. The Variation Order appended to this report has been amended to reflect this.
- 3.2 As the introduction of charging is not being recommended, Strategy and Resources Committee can resolve this, rather than referring to Council for determination (see para 1.2 above).
- 3.3 There are some minor tidying up adjustments detailed in the Variation Order that are being recommended. Further detail in para 3.4 - 3.8 summarised as:
 - The introduction of free parking after 3pm in Stonehouse and Painswick
 - The introduction of long stay car parking in Cheapside and Stonehouse
 - The inclusion of Stratford Park on the Parking Place Order
 - Provision for future improvements
- 3.4 To support smaller high streets in Painswick and Stonehouse, where car park charges currently exist, the charging hours will be amended to include ‘free after 3pm’ parking. Based on current usage in these car parks, after 3pm, this is likely to reduce revenue by approximately £2,000-£3,000 p.a. This will bring Stonehouse and Painswick in line with Stroud, where an offer of free parking after 3pm already exists.
- 3.5 To support rail users a 72 hour parking tariff at both Cheapside Car Park and Stonehouse Car Parks will be introduced. Users of associated railway stations will then have certainty of an appropriate parking space. This is likely to be of particular benefit in Stonehouse where ‘on street’ parking can be problematic for local residents.

- 3.6 Although Stratford Park will not be subjected to parking charges, it will be brought in to line with other paying and non-paying car parks and placed on the Parking Place Order (it is currently not included). Patrons will still be able to park for free all day. However, this minor alteration will allow appropriate enforcement – for example if a vehicle is parked in a disabled bay without a blue badge.
- 3.7 As charging is not being recommended, there is no funding provision for the potential future introduction of both contactless payment systems and electric vehicle charging points. However, this will be included in the Variation Order to future proof the regulatory framework, should these facilities be subsequently introduced.
- 3.8 Other minor tidying of the Parking Place Order, including the update of site plans and cessation of permitted commercial vehicle parking in Cheapside Car Park will proceed.

4. Timeline

- 4.1 Should the appended variation order be approved, preparatory work would be undertaken, with a view to introducing the changes in January 2019.

STROUD DISTRICT COUNCIL

(OFF STREET PARKING PLACES) (CONSOLIDATION) ORDER 2010 (AS AMENDED)

VARIATION ORDER 2018

WHEREAS the Stroud District Council (Off-Street Parking Places) (Consolidation) Order 2010 (“the 2010 Order”) was made by the Council for the purposes of consolidating previous off-street parking orders;

AND WHEREAS the 2010 Order has been amended by variation orders dated 11th January 2011, 28th April 2011 and 16th April 2013 and the parking charges referred to in the 2010 Order were amended by a notice dated 28th September 2017;

NOW THE STROUD DISTRICT COUNCIL in the County of Gloucester in the exercise of its powers under section 35(1) and Schedule 9 Part IV of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) and of all other powers enabling it in that regard and with the consent of the Gloucestershire County Council pursuant to Section 39(3) of the Act and after consultation with the Chief Officer of Police in accordance with Schedule 9 Part III paragraph 20(1) of the Act hereby makes the following Order:

1. This Order may be cited as the Stroud District Council (Off Street Parking Places) (Consolidation) Order 2010 (as amended) Variation Order 2018.
2. The Order shall have effect so as to vary the 2010 Order as set out in the Schedule to this Order.
3. This Order shall come into operation on 7th January 2019.

GIVEN UNDER THE COMMON SEAL of the STROUD DISTRICT COUNCIL the

_____ day of _____ 2018

THE COMMON SEAL OF)
STROUD DISTRICT)
COUNCIL WAS AFFIXED)
IN THE PRESENCE OF)

.....
Proper Officer

SCHEDULE

Variations to the Original Order

1. a. In the Interpretation clause, the definition of *“Penalty Charge”* shall be varied so that the words *“charge set by the Council”* are deleted and replaced with the words *“charges set out in Schedule 7 adopted by the Council”*;
b. Clause 30 of Part V shall be amended so that the words *“an excess charge shall be payable as”* are deleted and replaced with the words *“a Penalty Charge shall be payable”*;
c. A new Schedule 7 shall be inserted after Schedule 6 and the new Schedule 7 shall read as set out in Appendix 1 of this Order.
2. Clause 4 of Part II shall be amended so that:
 - a. the words *“as shown on the plans at Appendices 1.1 to 5.12”* are deleted and replaced with the words *“referred to in this Order”*;
and
 - b. the words *“on such terms and conditions as are advertised at each Parking Place or as set out in Schedules 1 to 6 and Table 1 of this Order”* are deleted and replaced with the words *“as are set out in this Order (including Schedules 1 to 6 and Table 1 hereof).”*
3. Clause 13 of Part III shall be amended so that the words *“, debit or credit card (contactless or chip and pin)”* are inserted after the words *“mobile phone payment”* and before the words *“or other approved method”*.
4. After Part IV and before Part V (between clauses 29 and 30), the following shall be added:

“PART IVA

ELECTRIC VEHICLE CHARGING POINTS

- 29A. *Where one or more Electric Vehicle Charging Points (EVCPs) are situated within a Parking Place, the following regulations shall apply to their use:*
- a. *EVCPs may only be used by vehicles which are powered wholly or partly by electricity and which are compatible with the charging apparatus provided;*
 - b. *Vehicles using EVCPs must park wholly within the marked bay immediately adjacent to the charging apparatus (“the EVCP bay”) being used;*
 - c. *EVCPs shall only be used in accordance with the instructions and regulations published by the supplier or manufacturer of the charging apparatus or the Council and displayed on or near to the charging apparatus;*
 - d. *No vehicle may be parked in an EVCP bay for a longer period than that stipulated on Council signage on or adjacent to the charging apparatus;*
 - e. *No vehicle shall remain in an EVCP bay whilst not being charged; and*
 - f. *Vehicles using EVCP bays must comply with all requirements relating to the payment of the tariff applicable to the parking place in which the EVCP is situated and in this respect the EVCP bay shall be treated as though it were any other bay in the same parking place.”*
5. In the Use of Parking Places and Scale of Charges table entry relating to Stonehouse - Long Stay, the Maximum Stay Length of “23 hours” shall be deleted and replaced with “72 hours”.
6. In the Use of Parking Places and Scale of Charges table for Stroud - Long Stay, the entry for Cheapside shall be varied as follows:
- i. The Maximum Stay Length of “23 hours” shall be deleted and replaced with “72 hours”; and
 - ii. All of the words in the “*Class of Vehicle*” column shall be deleted and replaced with the words “*All vehicles up to a maximum gross vehicle weight of 3,500KG*”.

7. Schedule 6 of the 2010 Order shall be varied so that Clause 24 shall be deleted and replaced with the following words: *“Failure to comply with the above terms and conditions will result in a Penalty Charge being applied.”*

8. Table 1 shall be varied as follows

- a. The Charging Times for Painswick Car Park shall be deleted and replaced with the hours *“08:00am – 3:00pm all days excluding Sundays and Bank Holidays”*
- b. The Charging Times for Stonehouse Car Park shall be deleted and replaced with the hours *“08:00am – 3:00pm all days excluding Sundays and Bank Holidays”*
- c. The Scale of Charges relating to Cheapside shall be deleted and replaced with the following:

- £0.80 up to 1 hour
- £1.40 up to 2 hours
- £1.80 up to 3 hours
- £2.10 up to 4 hours
- £3.00 up to 24 hours
- £6.00 up to 48 hours
- £9.00 up to 72 hours

- d. The Scale of Charges relating to Stonehouse shall be deleted and replaced with the following:

- £0.40 up to 1 hour
- £0.60 up to 2 hours

- £1.10 up to 3 hours
- £1.80 up to 5 hours
- £2.50 up to 24 hours
- £5.00 up to 48 hours
- £7.50 up to 72 hours

9. On the first page of Schedule 5 of the 2010 Order, after the listing for “Rodborough Long Stay Butterow West”, the following shall be inserted

“● **Stratford Park**”

and in the table in Schedule 5, after the entry for Rodborough – Long Stay Butterow West, the following shall be inserted:

<i>Car Park</i>	<i>Maximum Stay Length</i>	<i>Class of Vehicle</i>	<i>Hours of Operation</i>	<i>Period of No Return</i>	<i>Plan of Car Park</i>
<i>Stratford Park</i>	<i>Buses and coaches – 2 hours. All other vehicles -12 hours</i>	<i>All classes of vehicle up to a maximum gross vehicle weight of 3,500KG and buses and coaches</i>	<i>06:30 – 22:30</i>	<i>1 hour</i>	<i>Appendix 1.7A</i>

10. The following appendices of the 2010 Order shall be deleted and replaced with the following:

- a. The plan of Church Street Car Park Short Stay dated 31.03.2010 at Appendix 1.8 shall be replaced with the plan of Church Street Car Park Short Stay at Appendix 2A to this Order.
 - b. The plan of Newmarket Road, Nailsworth Long Stay dated 31.03.2010 at Appendix 3.1 shall be replaced with the plan of Newmarket Road, Nailsworth Long Stay at Appendix 2B to this Order.
 - c. The plan of Old Market West, Nailsworth Short Stay dated 31.03.2010 at Appendix 3.6 shall be replaced with the plan of Old Market West, Nailsworth Short Stay at Appendix 2C to this Order.
11. The plan of Stratford Park Car Park referred to in the table at clause 9 of this Order shall be the plan at Appendix 2D to this Order and shall be inserted as Appendix 1.7A of the 2010 Order.

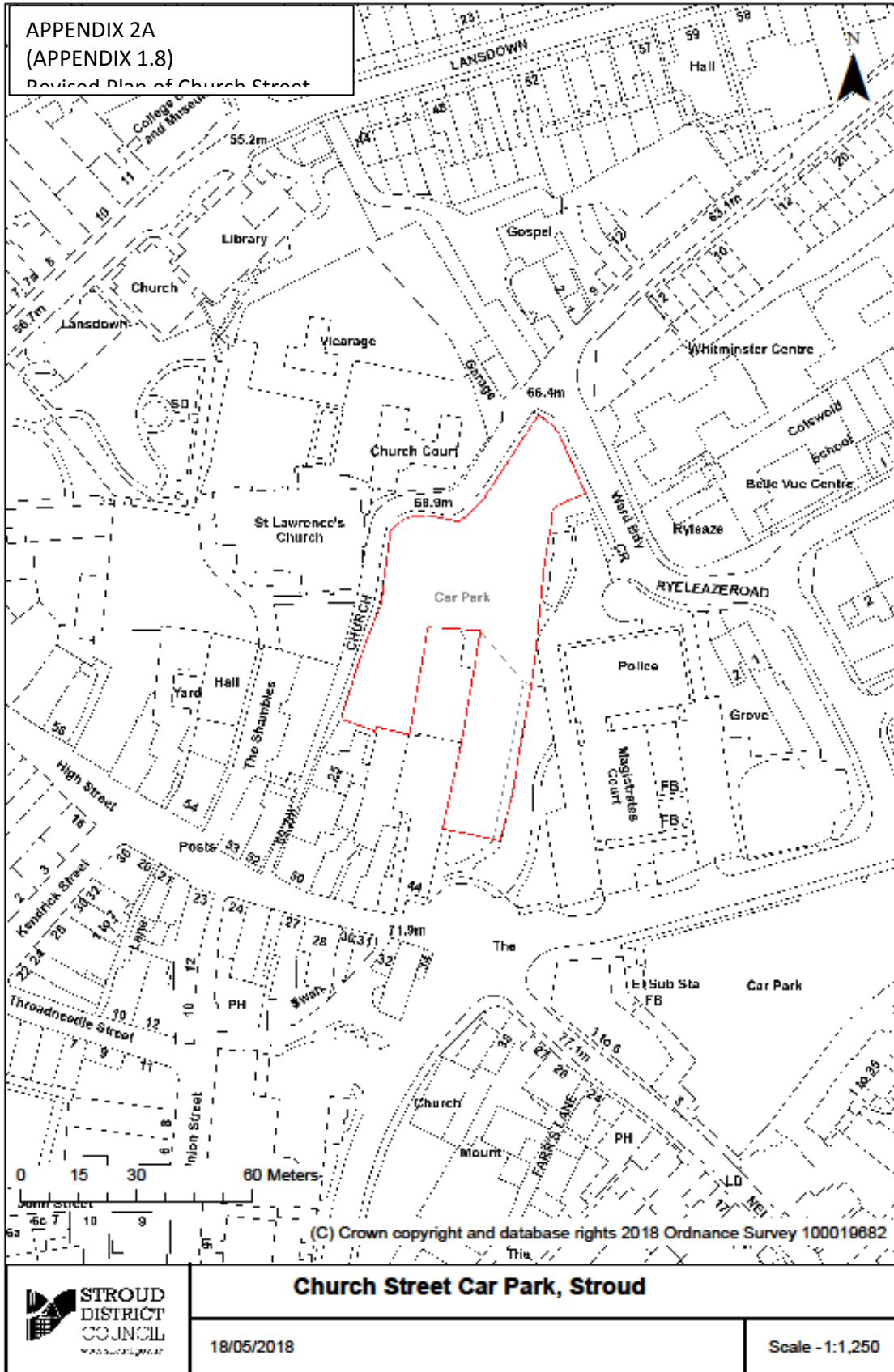
APPENDIX 1

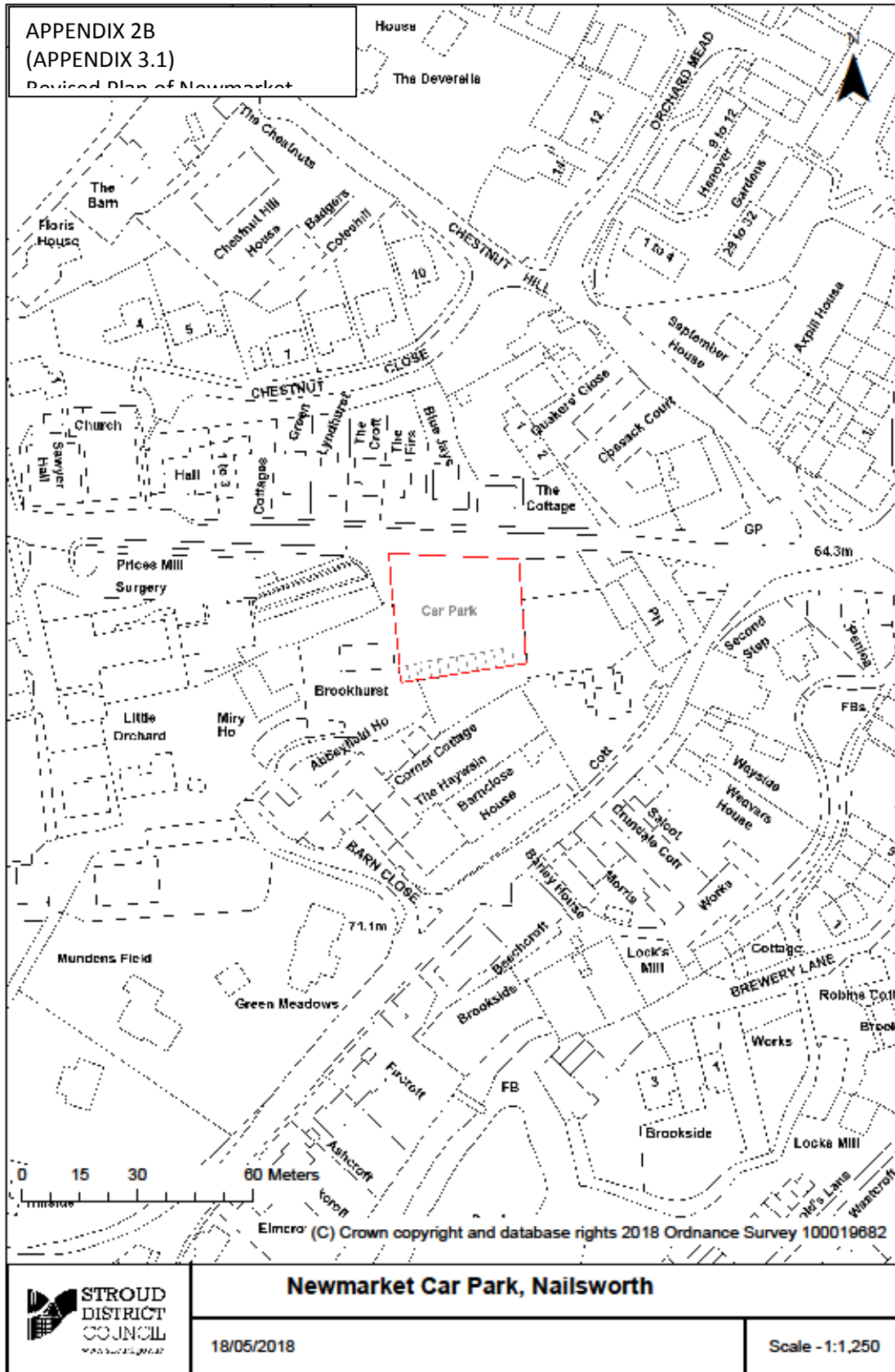
SCHEDULE 7

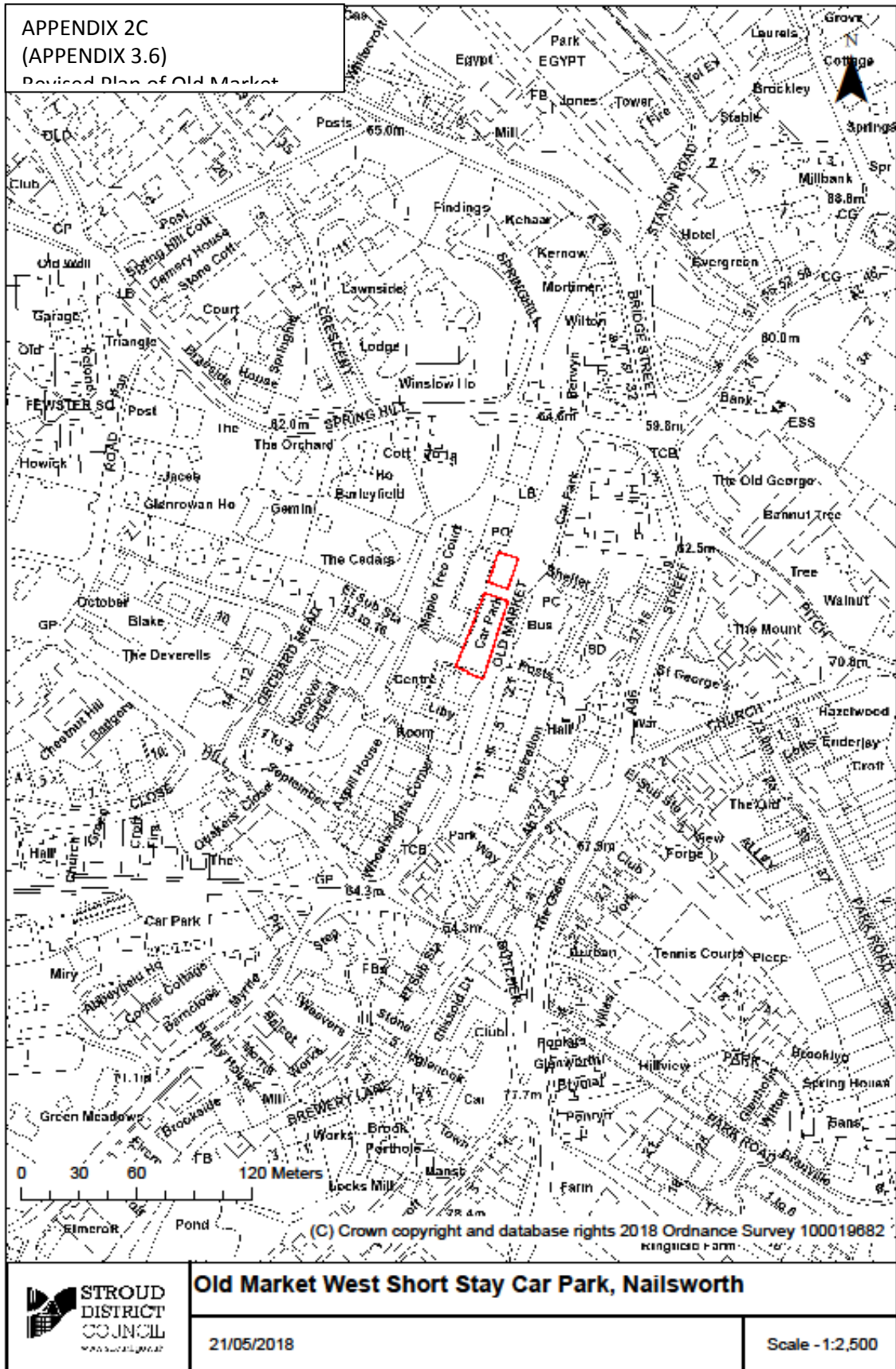
PENALTY CHARGES

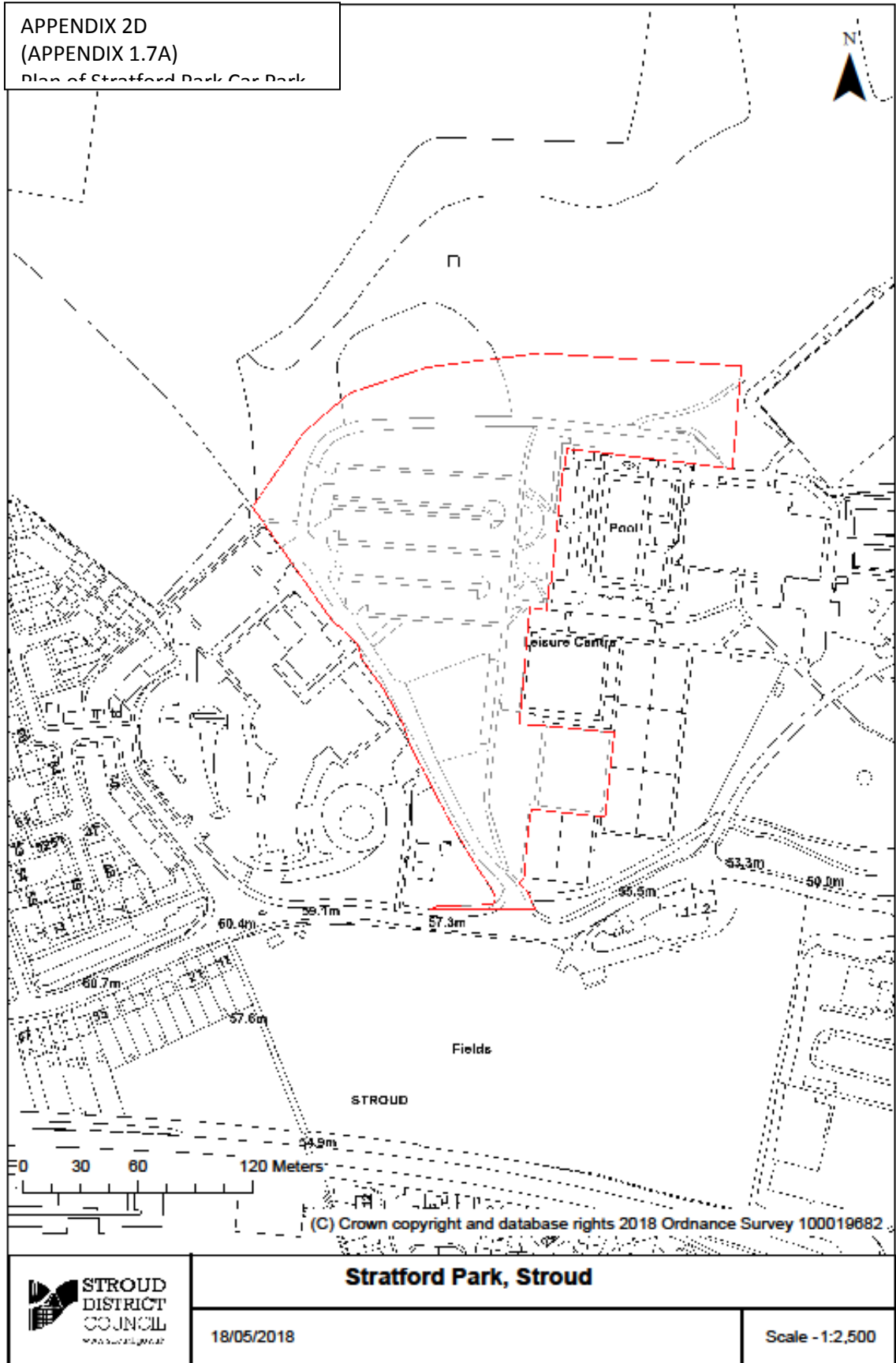
1. The following breaches of the provisions of this order shall incur a penalty of £70.00, which shall be reduced to £35.00 if paid within 14 days:
 - a. Parking in a loading area during restricted hours without reasonable excuse;
 - b. Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited;
 - c. Parking in a restricted area in a car park;
 - d. Parking in a permit bay without clearly displaying a valid permit;
 - e. Parking in a disabled person's parking space without clearly displaying a valid disabled person's badge;
 - f. Parking a vehicle which exceeds the maximum weight and/or height and/or length permitted in the area;
 - g. Parking in a car park or area not designated for that class of vehicle; and

- h. Parking causing an obstruction.
- 2. Any other breach of the provisions of this order shall incur a penalty of £50.00, which shall be reduced to £25.00 if paid within 14 days.
- 3. Where a charge certificate has been served in respect Penalty Charge which has been issued, the penalty charge payable shall be £105.00 in respect of breaches falling within paragraph 1 above and £75.00 in respect of any other breach.
- 4. For the purposes of paragraph 2 of The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, all parking places referred to in this Order are hereby designated as falling within Band 2 of Table 1.









STROUD DISTRICT COUNCIL
AUDIT AND STANDARDS COMMITTEE

**AGENDA
ITEM NO**

TO COUNCIL ON 18 OCTOBER 2018

This is a copy of Agenda Item 6 to the Committee on
9 October 2018

7c

Report Title	PROCUREMENT UPDATE
Purpose of Report	To receive an update on corporate procurement activity
Decision(s)	The Committee RESOLVES that each Directorate is reminded of the need to forward plan for any procurement, whether a completely new service or a renewal (as opposed to an extension) of a contract.
Consultation and Feedback	Internal only
Financial Implications and Risk Assessment	<p>There are no financial implications arising directly from this report.</p> <p>The Council is under a statutory duty to demonstrate Best Value and procurement, when undertaken in a planned way in accordance with Council policy and the procurement framework, plays an important part in achieving this. Some of the issues highlighted in this report may make it more difficult for Best Value to be demonstrated.</p> <p>Members are reminded of the Value for Money judgement provided by external audit in their annual report to those charged with governance (ISA260). If the Council is not able to satisfy external audit in their assessment, this may lead to a qualified opinion and may lead to additional costs and potential reputational risk.</p> <p>David Stanley – Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk</p> <p>Failure to comply with the Council's procurement framework may lead to poor Value for Money and lack of transparency, resulting in political, financial and reputational risk.</p>

Legal Implications	No additional issues to report. Karen Trickey, Head of Legal Services and Monitoring Officer Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk
Report Author	Sarah Turner, Principal Procurement Officer Tel: 01453 754346 Email: sarah.turner@stroud.gov.uk
Options	
Performance Management Follow Up	Further reports or information sheets will be provided to Audit & Standards Committee.
Background Papers/ Appendices	Audit & Standards Committee report – Procurement Review 2017/18 – 4 July 2017 Information Sheet – AS-2016/17-003

1. Background

- 1.1 The Audit & Standards Committee has been monitoring the Council's performance in relation to procurement and contract management over a number of years, particularly since the limited assurance identified by External Audit in September 2015 regarding "instances where the Council [had] not followed its own procurement policies by failing to operate an appropriate procurement exercise and by making inappropriate variations to existing contracts". As advised at the time, the impact of which inhibited the Council's ability to secure "economy, efficiency and effectiveness" in obtaining value for money for services, works and goods ("VFM"). The Committee will be aware that the Council is subject to a duty to obtain VFM under Section 3 of the Local Government Act 1999.
- 1.2 Members will recall, since that assessment, the committee has received regular reports / information sheets on progress made to improve the procurement undertaken to secure VFM. Simply by way of update in this regard, a Member Information event has being arranged for March 2019 to consider future procurement priorities of the Council as part of the procurement team's work to review the Council's procurement strategy. A further report will be provided to the Committee on relevant recommendations thereafter.
- 1.3 Further, Internal Audit has undertaken a review of a sample of procurement undertaken to provide assurance (or otherwise) of compliance with the procurement framework (namely CPPRs, internal guidance and the law). The latest internal audit is reported to this Committee in a preceding agenda item.

2. Issues

- 2.1 As the Committee will note, the latter report has highlighted that the governance framework is (still) fit for purpose and of the procurement activity reviewed, there were no significant issue of concerns, although as

always there is room for improvement! Inevitably internal audits cannot provide a comprehensive expert review of all procurements. Consequently in practice, the sample review, understandably, does reflect some continuing issues regarding service procurement which officers advising on procurement experience and which in the absence of significant involvement of the procurement team can mean that VFM is not always secured. As noted by Internal Audit, where advice has been sought from the procurement team, especially where officers have not carried out procurement previously, the relevant procurement activities have been completed in accordance with the Council's adopted framework.

2.2 Issues which have been identified by the procurement team indicate a significant failure on occasion to effectively forward plan for procurement activities. This is of concern given the 2016 / 2017 comprehensive training programme which was geared towards all staff managing and / or overseeing procurement and as noted in the Information Sheet March 2017, was well received by staff, raising awareness and understanding of how to secure VFM via effective procurement. There still appears to be considerable uncertainty amongst senior managers as to how to properly plan and prepare for procurement. In particular it is considered that:

- (a) There is not a consistent ability to anticipate and prepare for new procurements where existing contracts are about to end. In 2018, this has resulted in two (out of 29 contracts over £25,000) requests to the Monitoring Officer to approve 'urgent' extensions to contracts to prevent breaks in key services which would otherwise adversely impact service users. Further, unexplained delays in instigating a procurement have led to decisions having to be made when deadlines are imminent and / or have necessitated additional costs to secure service continuity in the interim. Proper preparation for procurement can readily enable the Council to advertise, receive tenders and award contracts within 4 to 6 weeks. Indeed, even procurements that exceed EU thresholds can readily be successfully completed within 3 months.
- (b) On occasion, the available exemptions are being used to circumvent the requirement for fair competition amongst potential suppliers to meet the Council's legal duty to secure VFM. For example, in 2018 requests have been made to appoint particular suppliers for convenience. Such requests have been made of the procurement team without any (or any proper) assessment of whether there are alternative suppliers and / or whether the preferred supplier satisfies a relevant framework agreement which provides a potential and legitimate 'short cut' (by virtue of pre-vetting) to a separate procurement.
- (c) Insufficient consideration is being given to how the tenders will be evaluated and / or what exactly the Council wants. Again, some recent examples illustrate the evaluation criteria incorporated into Invitations to Tender produced by the Council are such that it is not

possible to assess the VFM of individual bids to enable a justifiable contract award to be made, thereby causing further delay in project delivery and / or opening the Council to challenge from unsuccessful bidders.

- 2.3 The main problems appear to occur in officers either understanding and / or committing the time needed to ascertain what service, goods etc they actually need and what options are available to them. Despite the extensive training programme and guidance provided to officers, there still appears to be a perception of lawful procurement being too difficult and time consuming.

3. Recommendations

- 3.1 Whilst the Internal Audit report is welcome, it is recommended that the Committee resolve that the senior officers are reminded of the need to forward plan for any procurement, whether a completely new service or a renewal (as opposed to an extension) of a contract.