



Council

Mon 19 Nov
2018
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

**If you have any queries on this Agenda please contact
Jess Bayley**

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 (Extn.3268)

e.mail: jess.bayley@bromsgroveandredditch.gov.uk

Council

Monday, 19th November, 2018

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Juliet Brunner (Mayor)	Julian Grubb
	Roger Bennett (Deputy Mayor)	Bill Hartnett
	Salman Akbar	Pattie Hill
	Joe Baker	Wanda King
	Tom Baker-Price	Anthony Lovell
	Joanne Beecham	Gemma Monaco
	David Bush	Gareth Prosser
	Michael Chalk	Antonia Pulsford
	Debbie Chance	Mike Rouse
	Greg Chance	Mark Shurmer
	Anita Clayton	Yvonne Smith
	Brandon Clayton	Craig Warhurst
	Matthew Dormer	Jennifer Wheeler
	John Fisher	Pat Witherspoon
	Andrew Fry	

1. Welcome

2. Apologies for Absence

3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

4. Minutes (Pages 1 - 18)

5. Announcements

To consider Announcements under Procedure Rule 10:

- a) Mayor's Announcements
- b) The Leader's Announcements
- c) Chief Executive's Announcements.

6. Questions on Notice (Procedure Rule 9)

7. Motions on Notice (Procedure Rule 11)

No motions have been received for this meeting.

8. Executive Committee

Executive Committee Minutes - 23rd October 2018

8.1 Voluntary and Community Sector Grants Programme 2019/20 (Pages 43 - 54)

8.2 Shareholder Committee - Local Authority Trading company (Pages 55 - 58)

8.3 Council Housing Growth Programme - Proposed Development Sites (Pages 59 - 80)

NOTE: the report contains exempt information which will only be made available to Members and relevant Officers. Should Members wish to discuss any exempt information contained in the report in any detail, a decision will be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 3 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

(Paragraph 3: Subject to the "public interest" test, information relating to the financial or business affairs of any particular person (including the authority holding that information).)

9. Regulatory Committees

9.1 Recommendations from the meeting of the Licensing Committee held on Monday 5th November (Pages 81 - 122)

10. Political Balance Report (Pages 123 - 126)

11. Urgent Business - Record of Decisions

To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 6, Paragraph 5 and/or Part 7, Paragraph 15 of the Constitution), as specified.

(None to date).

Council

Monday, 19th November, 2018

12. Urgent Business - general (if any)

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)

This page is intentionally left blank



Council

Monday, 17 September
2018

MINUTES

Present:

Councillor Juliet Brunner (Mayor), Councillor Roger Bennett (Deputy Mayor) and Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Joanne Beecham, David Bush, Michael Chalk, Debbie Chance, Greg Chance, Anita Clayton, Brandon Clayton, Matthew Dormer, John Fisher, Andrew Fry, Bill Hartnett, Pattie Hill, Anthony Lovell, Gemma Monaco, Gareth Prosser, Antonia Pulsford, Mike Rouse, Mark Shurmer, Craig Warhurst, Jennifer Wheeler and Pat Witherspoon

Officers:

Kevin Dicks, Claire Felton, John Godwin, Sue Hanley and Jayne Pickering

Democratic Services Officer:

Jess Bayley

41. WELCOME

The Mayor welcomed all those present to the meeting.

42. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Julian Grubb, Wanda King and Yvonne Smith.

43. DECLARATIONS OF INTEREST

Councillor Michael Chalk declared an other disclosable interest in respect of Minute Item No. 48, in relation to the Leisure Service Business Plan due to his personal connection with the Palace Theatre, which included previously volunteering to support the venue and his wife's involvement with local theatrical groups. However, as this was not a pecuniary interest he stayed in the meeting during consideration of the Leisure Service Business Plan and voted thereon.

.....
Chair

Council

Monday, 17 September 2018

Councillor Joanne Beecham declared a pecuniary interest in Minute Item No. 49 in relation to the recommendations from the Licensing Committee made on 3rd September in respect of Animal Establishment Licensing Reforms, due to her role as the owner of a cattery. During consideration of that item she left the room and did not take part in the debate or vote thereon. Councillor Beecham also declared an other disclosable interest in respect of Minute Item No. 48, in relation to the Leisure Services Business Plan, as she sometimes hired the facilities at the Palace Theatre. However as this was not a pecuniary interest she stayed in the meeting during consideration of the Leisure Service Business Plan and voted on the matter.

44. MINUTES

RESOLVED that

the minutes of the Council meeting held on Monday 23rd July 2018 be agreed as a correct record and signed by the Mayor.

45. ANNOUNCEMENTS

a) The Mayor's Announcements

The Mayor announced that she would circulate a list of the civic engagements that she had attended since the previous meeting of Council after the meeting. She thanked the Deputy Mayor for his support and for attending those engagements that she had been unable to attend.

Members were asked to note that the Mayor would be hosting a Macmillan coffee morning on 28th September 2018 in memory of former member of staff, Mrs Jenny Delorenzo.

The Mayor invited all Members to attend the civic service that was due to take place on 10th October, starting at 10.30 am.

b) The Leader's Announcements

The Leader circulated a written update of his announcements for Member's consideration (Appendix 1). This included an update on a recent meeting to discuss the position of Worcestershire Acute Hospitals NHS Trust (WAHT) and reference to the Leader's attendance at the latest meeting of the West Midlands Combined Authority (WMCA) Board, which took place on Friday 14th September 2018.

c) Chief Executive's Announcements

The Chief Executive confirmed that he had no announcements.

46. QUESTIONS ON NOTICE (PROCEDURE RULE 9)

The Mayor advised that no questions had been received for this meeting.

47. MOTIONS ON NOTICE (PROCEDURE RULE 11)Worcestershire Acute Hospitals NHS Trust

A motion in respect of Worcestershire Acute Hospitals NHS Trust (WAHT) was proposed by Councillor Bill Hartnett. This was seconded by Councillor Greg Chance.

In proposing the motion Councillor Hartnett acknowledged that the information provided in the Leader's announcements indicated that some problems were being addressed but he suggested that further action was needed. Whilst Councillor Hartnett noted that he was a keen supporter of the NHS and valued the work of staff, he highlighted the need for further information about the improvements that had been made to the Trust since the Worcestershire Clinical Commissioning Groups (CCGs) had consulted on proposed changes in 2017. There was also a need to clarify how much of the £29 million highlighted during the consultation had been received and how much of this funding had been invested in the different sites managed by the Trust. The Council had previously demonstrated its commitment to supporting the Alexandra Hospital in Redditch by holding a cross-party Health Commission in 2017 which had made a number of recommendations but had not supported the CCGs' proposals. Since then the Trust had remained in special measures and it had recently been announced that their Chief Executive would be leaving. Councillor Hartnett suggested that the Trust needed to work in partnership with the Council, to ensure services met the needs of residents.

In seconding the motion Councillor Greg Chance commented that the future of the Alexandra Hospital still remained open to question. He therefore suggested that the Council needed to do everything possible to support the hospital and to ensure that key services remained accessible in Redditch.

Following the presentation of the motion Members discussed the services provided by WAHT, particularly at the Alexandra Hospital. A number of Members highlighted the excellent care that they and their families had received from the NHS and there was general consensus that the Alexandra Hospital provided valuable local services. However, it was acknowledged that there were continuing challenges for the Trust, including delays for some appointments, backlogs with ambulance queues and the financial difficulties that were impacting on services.

Concerns were raised that whilst there had been significant financial investment in services at Worcester Royal Hospital there still needed to be further expenditure on the Alexandra Hospital. In addition, concerns were raised that many Redditch residents, particularly those on low incomes who did not have their own transport, could struggle to access services or to meet with friends and relatives at Worcester Royal Hospital where a lot of services were based. The number of visitors utilising the services at the Alexandra Hospital who lived outside the Borough had increased since 2017 and Members raised concerns that this was placing pressure on services. All of these problems were exacerbated by difficulties in terms of recruitment of suitably qualified staff across the NHS.

RESOLVED that

Council agrees to write to WAHT and the Redditch and Bromsgrove CCG asking both organisations to provide a detailed update to this Council on improvements made to the acute services and the financial stability of the WAHT trust since the end of the last CCG consultation into the review of acute services which concluded April 2017.

How much of the expected and announced investment of £29 million has been actually paid to the WAHT trust following the approval of this consultation?

How much of the funds have been invested at the Redditch Alexandra Hospital site and what plans are in place for investing in this site in the near future?

48. EXECUTIVE COMMITTEE

Members considered a number of recommendations arising from the meetings of the Executive Committee held on 14th August and 11th September 2018 respectively.

Members discussed the following items in detail:

Care Leavers Scrutiny Task Group

Members noted that the proposals would involve the introduction of interim measures to provide Council Tax support to care leavers through the Hardship Fund. This would help care leavers aged up to 25 years until permanent changes were made to the Council Tax Support Scheme, which was the subject of public consultation.

Reference was made to the work of the Care Leavers Scrutiny Task Group, which had been established earlier in the year following consideration of a Motion on Notice at a Council meeting. The group had investigated the matter in detail and the changes that

had been proposed would bring the Council into line with arrangements at other district Councils in Worcestershire.

Town Centre Regeneration

The proposals for the regeneration of Redditch town centre were discussed in detail, with the following points being considered:

- The potential for housing to be included within the plans for the regeneration of the town. Members were advised that as this part of the report had been resolved by the Executive Committee no changes could be proposed by Council.
- The new market evidence that had emerged since March 2018 which had informed the proposal for the public sector hub to move from Church Green to the Town Hall.
- The Overview and Scrutiny Committee's pre-scrutiny of the report and how this helped to enhance the transparency of the decision making process.
- The potential for new restaurants to be introduced in sites located close to the Palace Theatre.

Anti-Social Behaviour Crime and Policing Act 2014 – Implementation of Provisions

Members considered the proposals detailed in the report which outlined changes that would need to be made at the local level, including in relation to the Officer Scheme of Delegations, in response to guidance that had been issued by the Home Office. A key requirement in the provisions would be for the Executive Committee and Council to agree any requests for the introduction of Public Space Protection Orders (PSPOs) in particular locations within the Borough. Members also welcomed the Executive Committee's proposal that the use of these orders should be monitored by the Crime and Disorder Scrutiny Panel every six months.

During consideration of this matter concerns were raised about how anti-social behaviour (ASB) in neighbour disputes, particularly where Council tenants were involved, would be resolved given the financial challenges for the Council's Housing Revenue Account (HRA). Members were advised that the Portfolio Holder for Community Safety and Regulatory Services was working closely with Officers to ensure that the Council could address all scenarios relating to the anti-social behaviour guidance and ASB between neighbours would be taken into account as part of this process.

Redditch Local Lottery

Council considered proposals to introduce a Redditch local lottery and in so doing noted the following points:

Council

Monday, 17 September 2018

- The lottery would help to support the Council's grants process whilst providing an additional source of funding for local charities.
- Any profits for the Council would be reinvested in discretionary rather than statutory services.
- There were many other organisations that had their own lotteries which residents could choose to participate in.
- Residents would make their own choices about whether to participate in the lottery and could buy a maximum of five tickets.
- Charities would receive 50 pence in the pound from the lottery, which was more generous than many other lottery schemes.
- Concerns were raised that the lottery could encourage gambling and that vulnerable people, particularly those on low incomes and young people, might take part potentially causing financial difficulties for the future.
- Similar lottery schemes had been introduced at over 50 Councils in the country and the jackpot had only been won twice.
- Members noted that limited market testing in the local community appeared to have been undertaken so it was difficult to ascertain the level of demand for a local lottery, though Redditch was considered to be similar to many places in the country where a lottery had been introduced.
- Concerns were raised about the potential impact that the introduction of this scheme could have on the Council's grants programme and the work of the Grants Panel. However, it was noted that there was continuing support for a grants process that met the needs of Voluntary and Community Sector groups as well as residents.
- The local lottery would provide participants with the opportunity to choose the charitable organisation(s) that would receive funding following their purchase of a ticket.
- There was general consensus that local Voluntary and Community Sector groups delivered valuable services within the community.

Finance Monitoring Quarter 1 2018/19

Members considered the content of the Finance Monitoring update report for the first quarter of 2018/19 and noted that the financial position of the Council, like that for many local authorities, remained challenging. The Council needed to achieve £770,000 in unidentified savings and there was a further £1.6 million deficit to address across the four year period of the Medium Term Financial Plan (MTFP). There were also significant challenges for the Council in relation to the HRA.

Council

Monday, 17 September 2018

The causes of the financial problems were briefly discussed, with Members noting that funding from the Government in the form of the revenue support grant had been significantly reduced in recent years and changes to the New Homes Bonus had resulted in a further reduction in funding for the Council. However, it was also noted that the government appeared to be indicating that the negative grant, whereby Councils had been informed they would need to pay an element of funding over to Government, might not now be implemented.

Leisure Services Business Plan

Members discussed the Leisure Services Business Plan report in detail and noted the following:

- The hard work of the two previous Portfolio Holders for Leisure and Tourism, Councillors Roger Bennett and Pat Witherspoon, and the contribution this had made to the development of the business plan.
- The previous work of the Abbey Stadium Task Group and Leisure Services Provision Task Group in 2013 and 2014 respectively to investigate appropriate ways to deliver Leisure and Cultural Services.
- The contribution of the public to the development of the Local Authority Trading Company (LATC), including the responses that had been received in completed surveys from residents.
- The most appropriate name for the leisure company. Members were advised that, whilst previously the name Forge Leisure had been discussed, the proposal was for power to be delegated to officers to determine this, following consultation with the Portfolio Holder for Leisure and Tourism, once legal matters had been resolved.
- The valuable work of all volunteers who assisted the Council with the provision of Leisure and Cultural Services, including at the Palace Theatre.
- The need for the company to be provided with flexibility to operate in a commercial manner.

During consideration of this matter Councillor Bill Hartnett proposed an amendment to the seventh recommendation detailed in the Executive Committee minutes from 11th September 2018. The amendment was seconded by Councillor Greg Chance. The amendment read as follows:

“The Council arrange a local competition with a nominal prize asking the public to suggest a company name and Logo for the proposed new company.”

In proposing the amendment Councillor Hartnett noted that in the past competitions had been held for various matters. Should a

competition go ahead it would not need to take long and would ensure that residents could engage with the development of the company.

In seconding the amendment Councillor Chance commented that he was keen to have as much public engagement as possible in the Borough.

Members subsequently discussed the amendment and concerns were raised about the timeframes available for a competition to name the company, given the LATC was due to launch shortly. Leisure and Cultural Services in their existing form was costing the Council £33,000 per month to run and in order to achieve savings the Council needed to establish the company as soon as possible. Members noted that there was the possibility that pupils at local high schools would be interested in participating in such a competition. However, Members also noted that there were significant pressures on schools in relation to the curriculum and therefore they might not have the time to participate.

Reference was made to the normal way in which companies were named and it was noted that the LATC needed a commercially vibrant name. Concerns were raised that, should a competition take place, residents might suggest a name such as Boaty McBoatface, which had been the winner of a national competition to name a polar research ship. On the other hand it was suggested that by holding a competition to name the company residents would feel involved with the LATC which could impact on custom.

On being put to the vote the amendment was lost.

Housing / HRA Overview and Recovery Plan

The housing / HRA Overview and Recovery Plan was discussed in some detail, with Members noting that the report had been produced at the end of a difficult 18 month period. During this time external legal advice had been sought and Members panels had been established to consider disciplinary and appeals matters. There were problems with the HRA, partly due to the impact of a one per cent reduction on rents over a four year period since 2016/17, in line with Government requirements.

Members concurred that it was important to move forward and to support Officers in making the changes needed to the service. Action would be taken to improve the position of the HRA, in particular by improving the speed with which void properties could be placed in a position to rent out to tenants.

CouncilMonday, 17 September 2018

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on 14th August 2018 be received and all recommendations adopted; and**
- 2) **the minutes of the meeting of the Executive Committee held on 11th September 2018 be received and all recommendations adopted.**

(During consideration of this item there was a comfort break which lasted for ten minutes.

Whilst considering this matter Councillor Michael Chalk declared an other disclosable interest due to his personal connection with the Palace Theatre, which included previously volunteering to support the venue and his wife's involvement with local theatrical groups. However, as this was not a pecuniary interest he stayed in the meeting during consideration of the Leisure Service Business Plan and voted thereon.

Councillor Joanne Beecham also declared an other disclosable interest in respect of the item as she sometimes hired the facilities at the Palace Theatre. However as this was not a pecuniary interest she stayed in the meeting during consideration of the Leisure Service Business Plan and voted on the matter).

49. REGULATORY COMMITTEES

The Council considered the minutes from the meetings of the Licensing Committee held on 16th July and 3rd September, the Audit Governance and Standards Committee held on 30th July and the Planning Committee held on 8th August 2018.

During consideration of this item Members considered recommendations from the Licensing Committee meeting held on 3rd September 2018 in respect of Animal Establishment Licensing Reforms.

RESOLVED that

- 1) **the minutes of the Licensing Committee meeting held on 16th July 2018 be received and adopted;**
- 2) **the minutes of the Audit, Governance and Standards Committee meeting held on 30th July 2018 be received and adopted;**
- 3) **the minutes of the Planning Committee held on 8th August 2018 be received and adopted; and**

CouncilMonday, 17 September 2018

- 4) **the minutes of the Licensing Committee meeting held on 3rd September 2018 be received and all recommendations adopted.**

(During consideration of this item Councillor Joanne Beecham declared a pecuniary interest in relation to the recommendations from the Licensing Committee made on 3rd September in respect of Animal Establishment Licensing Reforms, due to her role as the owner of a cattery. During consideration of the item she left the room and did not take part in the debate or vote thereon.)

50. CONSTITUTION REVIEW

The Leader presented a reported arising from work at two recent meetings of the Constitutional Review Working Party. Members were advised that a number of changes to the Scheme of Delegations to Officers were proposed in the report, with some stylistic changes having been made in accordance with the Monitoring Officer's power to make amendments following changes to legislation, job titles and to reallocate functions. The report proposed the introduction of an Appointments Committee, which could appoint or dismiss relevant senior officers in circumstances where the Chief Executive was not in a position to act. Changes had been suggested to Members' Role Descriptors, though Members were asked to note that these were only intended to be indicative and to help new Members.

The Constitutional Review Working Party had proposed that the Council should no longer receive the minutes of meetings of the Audit, Governance and Standards Committee, Licensing Committee or Planning Committee where these simply needed to be noted. In cases where these Committees made recommendations these would be reported on to Council for consideration. Members noted that by no longer considering these minutes at every Council meeting this would help to reduce the amount of paperwork at Council meetings and would contribute to moving towards paperless meetings.

RESOLVED that

- 1) **the amendments to the existing delegations detailed at Appendix 1 to the report, made in accordance with the Monitoring Officer's power to make amendments following changes to legislation, job titles and to reallocate functions, be noted;**
- 2) **the additional delegations requested for Community, Environmental and Leisure and Cultural Services, as detailed at Appendix 2 to the report, be approved**

Council

Monday, 17 September 2018

- 3) the proposed changes to the Housing delegations, as detailed at Appendix 3 to the report, be approved;
- 4) the proposed changes to the HR delegations, as detailed at Appendix 4, be approved;
- 5) an Appointments Committee be established and the proposed terms of reference for this Committee, as detailed at Appendix 5 to the report, be approved;
- 6) the minutes of meetings of the Planning, Licensing and Audit, Governance and Standards Committees, where no recommendations have been made, should no longer be received at meetings of Council for noting;
- 7) the updated Planning Code of Practice, as detailed at Appendix 6 to the report, be approved;
- 8) the Council's constitution be amended so that the power to determine all employment and health and safety policies is delegated to the Head of Transformation and Organisational Development, following consultation with the Corporate Management Team, the Joint Corporate Health, Safety and Welfare Committee (where applicable), the Leader of the Council and the relevant Portfolio Holder;
- 9) trained substitutes should be permitted to serve at meetings of the Grants Panel; and
- 10) the proposed changes to the Members' Role Descriptors, as detailed at Appendix 7 to the report, be approved.

51. POLITICAL BALANCE REPORT

Members were advised that the introduction of an Appointments Committee, agreed during consideration of the report in respect of the review of the Council's constitution, impacted on the Council's political balance. A list of nominations to the Appointments Committee, including the Chair and Vice Chair, was tabled at the meeting for Members' consideration (Appendix 2).

Members agreed the proposals detailed in the report with nobody voting against.

RESOLVED that

Council

Monday, 17 September 2018

- 1) the additional place for the Conservative Group in the overall balance, arising from the introduction of the Appointments Committee, is not taken up;
- 2) the political balance of the Committees of the Council be agreed as set out in paragraph 3.5;
- 2) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;
- 3) the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;
- 4) appointments by political group leaders to the places on the Appointments Committee be approved;
- 5) the Council appoints a Chair and a Vice-Chair of the Appointments Committee.

52. MEMBERSHIP CHANGE TO THE LICENSING COMMITTEE

Members noted that Councillor Gareth Prosser had been appointed to the Licensing Committee in place of Councillor Matthew Dormer.

53. MEMBERSHIP CHANGE TO OUTSIDE BODIES

Members noted that following a change to the Cabinet portfolios at Wyre Forest District Council, Councillor Chris Rogers had replaced Councillor Ian Hardiman on a number of outside bodies to represent the district Councils in north Worcestershire.

54. URGENT BUSINESS - RECORD OF DECISIONS

There were no urgent decisions to note.

55. URGENT BUSINESS - GENERAL (IF ANY)

There was no general urgent business for Members' consideration.

56. BUSINESS RATES POOL PILOT 2019/20 REPORT

Members discussed the Business Rates Pool Pilot 2019/20 report and noted that this followed a similar bid to take part in a business rates pool in Worcestershire that had been submitted to the Government the previous year. Unfortunately that bid had been unsuccessful but it was hoped that it would succeed this time. Members were advised that all Leaders in Worcestershire had agreed to put forward a bid to be included in a business rates pool

Council

Monday, 17 September 2018

pilot in 2019/20, should this be approved by relevant Councils and then the Government.

RESOLVED that

- 1) **Redditch Borough Council be included in a joint Worcestershire application to be a 75% business rates retention pilot in 2019/20; and**
- 2) **authority be delegated to the Executive Director Finance and Corporate Resources following consultation with the Portfolio Holder for Corporate Management and the Leader to make necessary decisions on the Council's behalf.**

The Meeting commenced at 7.00 pm
and closed at 9.45 pm

This page is intentionally left blank

Leader's Announcements

Current performance issues within Worcestershire Acute Hospitals NHS Trust:

- David Nicholson hugely helpful to the Trust
- Performance issues almost entirely related to flow - will be addressed by investment
- Some elective work moved to The Alex, Kidderminster as per FOAHSW model
- Cancer - improvement up until end of year. Dip this year - because of national issue - will improve by October
- A and E not improving yet although different ambulatory models implemented
- Paediatric service consultant led post centralisation
- Frailty unit at the Alex being expanded
- No interim Exec left - chief operating officer being appointed and announcement imminent
- Modelling takes into account future projection growth - for 10 years
- Working hard through neighbourhood teams to address / prevent demand
- Discharge across boundaries is a big issue
- Update on CQC reports
 - March inspection - didn't look at all services. Alex - surgery and outpatients only services rated inadequate so continued areas of concern - responsiveness of service and safe domain. Lots of other services improved – Alex urgent care, medical care, diagnostic imaging, paediatrics all now requires improvement as a result of these reviews.
 - Previously big backlog of serious incident review – none overdue now
 - Response to complaints - improved performance – backlog cleared and target met for 4 months
- Financial sustainability
 - Significant deficit - medium term financial strategy being developed.
 - Benchmarked other trusts - back office services is lean. Estates and clinical staff are more expensive

- Have reduced spend on agency staff. Also making sure have the right skill mix.
- 6% saving target this year
- Deficit 50 - 60m - total accumulated deficit 199m.
- Update on £29m investment – how much of this has been invested / planned to be invested in the Alex site
 - Early draw down £3m to build bridge at Worcester site - so that acute patients can be put in Aconbury
 - £8m to do beds in Worcester - this has been reprogrammed as it was originally planned to do beds last - 2 years ahead of timescale
 - Treasury controlling the purse strings. Once the £29m is spent the health sector will have enough capacity to cope with demand from Worcestershire
 - Ambulance trust has algorithms which show them which hospital to go to
 - Parking at the WRH will be addressed as part of the 29m
- Other issues
 - Travelling / transport to WRH - transport not really used when was put in place on a temporary basis. No plans to reinstate this.
- What are the plans for the future of the Alex site
 - £8.1m allocated (out of £29m) for the Alex - theatres and endoscopy - still to be approved through final business case. Includes sign off by contractors - within next 4 weeks

WMCA

I attended the latest WMCA Board meeting and continue to represent the interests of Redditch at these meetings.

Council17th September 2018**Item 11: Nominations to the Appointments committee**

Committee / Sub-Committee etc.	Size (Members)	Conservative	Labour
Appointments committee	5	3 Cllr Dormer (Chair) Cllr Bush (Vice Chair) Cllr Warhurst Sub: Councillor Prosser	2 Cllr G Chance Cllr Hartnett Sub: Cllr Hill

This page is intentionally left blank



Executive

Committee

Tuesday, 23 October 2018

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor David Bush (Vice-Chair) and Councillors Tom Baker-Price, Greg Chance, Brandon Clayton, Bill Hartnett, Gareth Prosser, Mike Rouse and Craig Warhurst

Officers:

Matthew Bough, Kevin Dicks, Clare Flanagan, Jayne Pickering and Judith Willis

Democratic Services Officer:

Jess Bayley

42. APOLOGIES

There were no apologies.

43. DECLARATIONS OF INTEREST

There were no declarations of interest.

44. LEADER'S ANNOUNCEMENTS

The Chair circulated a written update on the Leader's Announcements.

45. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on 11th September 2018 be approved as a correct record and signed by the Chair.

46. HOUSING ALLOCATIONS POLICY - UPDATE

The Housing Strategy and Enabling Team Leader presented the proposed updates to the Housing Allocations Policy. Officers had

.....
Chair

Executive Committee

Tuesday, 23 October 2018

been reviewing the policy and the flexibilities provided to Councils in the Localism Act 2011 and the report highlighted changes that officers were proposing to the policy to reflect this.

Following the publication of the agenda for the Executive Committee meeting Officers had suggested further changes to the policy which were circulated for Members' consideration in a written handout (Appendix 1). This suggested that applicants who were volunteers must be volunteering with a registered charity at the point of application for their status as a volunteer to be taken into account. The changes also removed reference to lone parents who were the primary carer of a child in receipt of child benefit for that child.

The Housing Strategy and Enabling Team Leader highlighted the following additional changes to the policy that were proposed in the report:

- Officers were proposing that an applicant should have a local connection to be eligible to apply for affordable housing, unless they could be categorised as having a "reasonable preference" in line with legislation. Under the existing policy anybody could apply for affordable housing from the Council.
- Officers were proposing to replace the current gold, silver and bronze banding system with bands 1 to 6. Those in band 1 would be those considered to be most in need. Those in Band 4 were in a reduced priority band but might have a "reasonable preference". Band 5 related to applicants with few issues and band 6 would encompass applicants who had access to their own financial resources.
- It was proposed that the bedroom standard should change to mirror requirements in the Housing Benefits system. Under these arrangements children of the same sex could be expected to share a room up to the age of 16 whilst those of different sexes would be expected to share a room up to the age of 10.
- It was proposed that key workers, such as nurses should be provided with additional preference to help access housing. Officers had incorporated the HMRC's definition of a key worker into the policy
- The minimum age of applicants would rise from 16 to 18, should the proposed changes in the policy be agreed. The earliest that a young person could secure a tenancy was at the age of 18 so this change would reflect that. Care leavers would be excluded from this policy requirement.

Following the presentation of the report Members discussed the proposed changes to the policy in some detail and highlighted a number of points:

Executive Committee

Tuesday, 23 October 2018

- The need for a Housing Allocations Policy that would be fair to applicants. Members expressed the hope that the changes to the policy would make it fairer for Redditch residents.
- The change to the policy that recognised the role of key workers. Members welcomed this proposed amendment and noted that key workers made a valuable contribution to the local community.
- The crisis in housing at a national level and the action that needed to be taken to ensure affordable housing was available to those who needed it.
- The work that had been undertaken over a series of months to update the Council's Housing Allocations Policy.
- The approach that the Council would adopt to distributing properties amongst applicants in the different bands. Officers advised that the properties would be allocated to those in most need through band first and the remaining properties would be allocated through the choice based lettings system. There was no proposal to allocate percentages to different bands
- The number of bids for properties that applicants could place, should the proposed changes to the policy be agreed. Officers advised that applicants would retain the right to make two bids for different properties per week.
- The consultation process in respect of the proposed changes to the policy, who would be engaged and how. Officers explained that a questionnaire would be accessible on the Council's website, through social media and in a paper form.

During consideration of this item an amendment was proposed by Councillor Bill Hartnett, which involved the introduction of an additional recommendation. This was seconded by Councillor Greg Chance.

The proposed additional recommendation stated the following:

"The results of the consultation on the Housing Allocations Policy 2019 are brought back to the Executive for consideration, then go forward to Council."

In proposing the new recommendation Councillor Hartnett explained that he felt it was important for the Executive Committee and Council to have a chance to see the final draft of the Housing Allocations Policy before it was enacted.

Members discussed the proposed amendment and in so doing noted that the Housing Allocations Policy would need to return to the Executive Committee and Council anyway for approval in line with the requirements of the decision making process. As this involved changes to the Council's policy framework a final decision

would always have to be taken by Council. Therefore a number of Members rejected the proposal as being unnecessary.

On being put to the vote the proposed amendment was lost.

RESOLVED that

- 1) **the draft Housing Allocations Policy 2019 be consulted upon for a six week period and;**
- 2) **the consultation questions (detailed at Appendix 2 to the report) be approved.**

47. VOLUNTARY AND COMMUNITY SECTOR GRANTS PROGRAMME

The Head of Community Services presented the Voluntary and Community Sector Grants Programme Report 2019/20. Members were advised that the report proposed changes to the grants system, whereby each Councillor would be allocated a budget of £5,000 that they could use to provide financial support to initiatives within their ward or across the whole Borough. In the report Officers were suggesting that this approach to grant funding should be trialled for one year. Should Members agree to change the grants process the Council's Grants Policy would need to be reviewed by the Executive Committee and this, together with guidance in relation to the new framework, would be reported to the Executive Committee in due course.

Members discussed the proposals in some detail and raised the following points during this debate:

- The Grants Panel had been working for many years to review applications for grants.
- Concerns were raised that often the same organisations applied for grant funding from the Grants Panel and funding was often awarded to those organisations with experienced bid writers, even though groups that did not have this expertise might want to deliver a good project in the community.
- Members also raised concerns that the existing grants process was bureaucratic and resource intensive. However, concerns were also raised that there would still be some bureaucracy arising from the proposed new scheme as Officers would need to consider funding agreements for all 29 Members.
- The Grants Panel was a cross-party group and operated in an apolitical fashion. Decisions were made based on reaching a consensus.

Executive Committee

Tuesday, 23 October 2018

- Decisions made by the Grants Panel under the existing system enabled Members to award funding that matched the Council's strategic purposes. Concerns were raised that under the proposed new scheme this might not happen.
- However, the proposed new system would enable Members to provide financial support to groups that met the needs of residents living in their wards. Members could use their local knowledge to direct their funding choices.
- Members questioned how groups would be monitored to ensure that the grants they received were spent on the projects for which they had received the funding. The Committee was advised that the guidance would set out the criteria for groups to be eligible to receive a grant.
- The checks that would be undertaken in relation to organisations that were applying for funding were also questioned. Officers explained that the guidance would require Members to provide funding only to registered charities. However, the Council would not be checking the levels of reserves retained by those charities.
- Training would need to be provided to all Members to enable them to approve grants in line with the Council's guidance.
- The Council would be required to publish details in respect of the grants that were agreed by Members. Legally the Council was required to publish any spending over £500.
- Concerns were raised that some groups might apply for funding from every Councillor without Members being aware of the situation and this could lead to an unfair distribution of funding. Officers explained that all proposed funds would need to be processed by Officers and they would identify groups that were seeking support from every Member.
- Further concerns were raised that Members could use the funds for political purposes, for example close to a local election. However, it was also noted that under the rule Members would not be able to approve funding during the election period.
- There would be the potential for Members to pool resources within wards and this could involve working with Members of another political party.
- Members commented that some Voluntary and Community Sector (VCS) organisations had expressed concerns about the proposed changes to the process during the consultation period. However, it was also noted that change could be unnerving and some groups had welcomed the suggested changes.

RECOMMENDED that

- 1) **the VCS Grants Programme change from a corporate competitive grant giving process to one where funding**

Executive Committee

Tuesday, 23 October 2018

proposals are made from Ward Councillors for qualifying organisations – a Councillor Community Grants Scheme;

- 2) £5,000 is made available to each Ward Councillor to support VCS organisations, and /or VCS led projects and initiatives in their ward or the wider Borough;
- 3) during 2019/20 a minimum of £350 be dedicated from each Councillor's allocation to project(s) which promote cultural awareness and cultural cohesion;
- 4) the new programme be piloted for a year;
- 5) the Head of Community Services be given delegated authority to sign off funding proposals;
- 6) a refreshed VCS Grants Policy and Guidance Notes for the Councillor Community Grants Scheme be drafted and considered at a future meeting of the Executive Committee; and
- 7) funding received from the Institute of Cemetery and Crematorium Management (ICCM) Recycling of Metal Recovered from Cremation Scheme be allocated as part of an application process and decided by a panel of members.

48. **SHAREHOLDER COMMITTEE - LOCAL AUTHORITY TRADING COMPANY**

The Executive Director of Finance and Corporate Resources presented a report that outlined proposals for the introduction of the Shareholders Committee for the Leisure company that was approved by Council in September 2018.

Since that Council meeting the company had been named Rubicon Leisure. The Shareholders Committee of Rubicon Leisure would have a number of powers and responsibilities. The Council was the single shareholder in the leisure company and was in a position to delegate all of the relevant powers, including reserved matters, to the Shareholders Committee. This governance structure was considered to be preferable to placing Members on the board of Rubicon Leisure. In other parts of the country where Members had been appointed to the board of a company this had created conflicts of interest and had caused problems for the Councils concerned.

RECOMMENDED that

- 1) **a Shareholder Committee is established of 5 members. The Committee to take the form of 3 members from the controlling group and 2 members from the opposition; and**
- 2) **the reserved matters as detailed in paragraph 3.3 of the report be delegated to the Shareholder Committee.**

49. PERFORMANCE REPORT

The Executive Director of Finance and Corporate Resources presented the performance report for the strategic purpose 'provide good things for me to do, see and visit'. This was the first performance report that had been presented in a revised format that was designed to tell a narrative about the strategic purpose. There had been a number of positive developments in relation to this strategic purpose, including a decrease in the numbers on the waiting list for swimming lessons and an increase in the provision of swimming lessons for beginners. The Council had invested in redevelopment of the studio space at the Abbey Stadium and this had had a positive impact on attendance rates at the venue. However, unfortunately the Council had not been successful with its Heritage Lottery park funding application for Forge Mill.

Information about the Council's performance in relation to sickness absence levels amongst staff had also been included in the report. There had been an increase in sickness levels, partly due to viruses within the workplace. However, it was also suggested that there may have been an improvement in terms of managers reporting their staff's sickness absence properly. Staff would be offered appropriate assistance to help manage any problems with sickness.

RESOLVED that

the report be noted.

50. BUDGET FRAMEWORK AND MEDIUM TERM FINANCIAL PLAN 2019/20 TO 2022/23 - PRESENTATION

The Executive Director of Finance and Corporate Resources delivered a presentation on the subject of the Council's budget framework and the Council's Medium Term Financial Plan (Appendix 2). During the delivery of the presentation she highlighted the following matters for Members' consideration:

Executive Committee

Tuesday, 23 October 2018

- There remained some gaps in the budget that would need to be addressed through making savings and increasing the income of the Council over the following four years.
- The Council would receive £35,000 in revenue support grant from the government in 2018/19.
- Officers were being prudent and were still taking into account the potential impact that the negative grant could have on the Council's finances in the future.
- However, the negative grant was subject to consultation, the terms of which indicated that the government was considering withdrawing this arrangement, though no decision had been taken yet on this matter.
- In the event that the negative grant was withdrawn this would have a beneficial impact on the Council's finances, though there would still be a need to achieve savings moving forward.
- Officers remained concerned that there could be further changes made to the New Homes Bonus scheme which would have a negative impact on the Council's finances.
- Income from business rates remained uncertain and again this could impact on the Council's financial position.
- The Council allocated just over £5 million of the general fund to capital spending. This was used for works on Council buildings, including to address issues with asbestos.
- Members were advised that when the Council did not receive planning fees for anticipated developments this could have financial implications for the Council, which lost the fee, the New Homes Bonus funding and any Council Tax that would have been due if the development had progressed.
- The roll out of universal credit was placing significant pressure on the Benefits Team. The Executive Director of Finance and Corporate Resources was working with the Chief Executive in an attempt to help relieve these pressures.
- There remained just over £700,000 in unidentified savings which Officers were aiming to find by the end of October 2018.
- The Council had £1 million more in balances than was required as a minimum level by the Section 151 Officer.
- The Government's requirement for Councils to reduce rents for Council housing by 1 per cent per year over a four year period had meant that the Council had lost £130 million from the Housing Revenue Account (HRA) over a 30 year period.
- Fees and charges were being reviewed in a slightly different way than in previous years. Heads of Service were required to review the fees for their departments, taking into account whether they could achieve full cost recovery, why they were charging for services, and how the charges helped the Council to meet its strategic purposes.
- Officers continued to explore different ways of doing things in order to reduce costs. The Council needed to get better in

Executive Committee

Tuesday, 23 October 2018

terms of offering digital solutions to those who wanted to access the authority's services online.

- The Council was aiming to increase capital revenue through work in line with the Council's Investments and Acquisition Strategy. Any proposals would be reported to the Executive Committee.

RESOLVED that

the report be noted.

51. CORPORATE PEER CHALLENGE - ACTION PLAN

The Chief Executive presented a report on the subject of the Local Government Association Corporate Peer Challenge that had been undertaken at the start of the calendar year and the action plan that had been developed to address the issues raised during the challenge. The challenge had been undertaken by colleagues from other local authorities and it had been conducted as a critical friend exercise. Members were asked to note that the Corporate Peer Challenge had been a joint exercise reviewing services delivered by Redditch Borough and Bromsgrove District Councils.

The feedback report, which had been produced at the end of the Corporate Peer Challenge, had been sent to the Council in the previous municipal year. However, a decision had been taken to postpone consideration of the report until the local elections had taken place and then there had been a further delay to enable the new political administration to settle in before discussing the matter further.

The feedback report contained a range of recommendations to enhance services across the two Councils. One of the key proposals had been for the Council to introduce a single workforce for the two authorities. The Corporate Management Team (CMT) had reviewed this proposal and, having undertaken a lot of work on staff harmonisation and being in the process of a review of the two Councils' job evaluation schemes, senior officers had concluded that a single workforce was not viable at this stage. However, it was possible that this proposal would be revisited in the future.

Members were asked to note that the Overview and Scrutiny Committee had pre-scrutinised the report at their meeting on 18th October. During their discussions the Overview and Scrutiny Committee had concluded that actions 10 and 11 in the Corporate Peer Challenge action plan should only apply to Bromsgrove District Council and that this should be clarified within the plan. The Chief Executive explained that recommendation 8 related specifically to Bromsgrove District Council, with regards to the

Executive Committee

Tuesday, 23 October 2018

conduct of the political debate at that authority. Recommendations 9, 10 and 11 all related to updating the Councils' constitutions, which was already happening in Redditch.

Members discussed the report and commented on the following matters during this debate:

- The "Lead Officer" column and the references to the "Leader" within this column. Officers confirmed that this was referring to the Leaders of the Councils in Redditch and Bromsgrove rather than to political party group leaders.
- The references in the same column to "Cabinet" and whether this applied just to Bromsgrove District Council. Officers advised that in the majority of cases this should have involved referring to both the Executive Committee and Cabinet.
- The reference in the action plan to regular meetings between the Executive Committee and Bromsgrove District Council's Cabinet starting in November. Members questioned when these meetings would start to take place and whether those who were not Portfolio Holders would be attending.
- The value of retaining workforces for both Redditch Borough Council and Bromsgrove District Council.
- The current decision making process in Redditch whereby many decisions were taken by Council rather than the Executive Committee. Members commented that this ensured that the decision making process was inclusive.

During consideration of this matter Councillor Hartnett proposed an amendment. This proposal was seconded by Councillor Greg Chance.

The amendment stated the following:

"Agree to note the action plan with the following amendments. Not to support recommendations 9, 10 and 11."

In proposing the amendment Councillor Hartnett commented that he did not feel a fundamental review of Redditch Borough Council's constitution was required. He explained that he agreed with the conclusions that had been reached by the Overview and Committee that recommendations 10 and 11 should not apply to Redditch but were more relevant to Bromsgrove District Council. Councillor Hartnett informed Members that he did not support the assumption in recommendation 10 that boundaries between officers and Members needed clarifying in Redditch nor did he feel that the Council's procedures needed to be reviewed to support constructive debate at Council meetings as he felt that this was already working well.

Executive Committee

Tuesday, 23 October 2018

In responding to the proposed amendment Members considered the work that had been undertaken during the Corporate Peer Challenge. Members commented that in order to make the most of the Corporate Peer Challenge the Council needed to take into account any advice that had been given and to learn lessons. It was also noted that a review of the constitution could be useful as it helped to make the decision making process more efficient.

The Chief Executive advised that recommendations 10 and 11 related to the review of the constitution and it was recognised by Officers that these were more relevant to Bromsgrove District Council than to Redditch Borough Council. Members were asked to note that the action plan had been drafted some months ago. Since the document was produced a significant number of changes had been agreed to the Council's constitution at the September meeting of Council. The Council had been advised to review the constitution as those undertaking the Corporate Peer Challenge had suggested that by taking everything to Council this could stymie the speed of the decision making process.

On being put to the vote the amendment was lost.

RESOLVED that

the letter and action plan arising from the Local Government Association Corporate Peer Challenge, which took place in January and February 2018, be noted.

52. OVERVIEW AND SCRUTINY COMMITTEE

The Chair noted that there were no outstanding recommendations for Members' consideration as these had been addressed during the previous meeting of the Executive Committee.

RESOLVED that

the minutes from the meeting of the Overview and Scrutiny Committee held on 6th September 2018 be noted.

53. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

The Chair confirmed that the Overview and Scrutiny Committee had made recommendations in respect of the Corporate Peer Challenge and Housing Growth Programme at their latest meeting on 18th October 2018. These proposals would be considered by the Executive Committee during the debates in respect of the relevant items.

Executive Committee

Tuesday, 23 October 2018

54. ADVISORY PANELS - UPDATE REPORTS

Members provided the following updates on the work of particular Advisory Panels and groups.

a) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer advised that the latest meeting of the Constitutional Review Working Party, that had been due to take place on 24th November, had been postponed. This would provide Officers with time to work on a project to reduce the amount of paperwork that was produced for Committee meetings.

b) Corporate Parenting Board – Redditch Borough Council representative, Councillor Gareth Prosser

Councillor Prosser advised that the latest meeting of the Corporate Parenting Board had taken place on 11th October 2018. During this meeting attendees had received information about the Kinship Service in Worcestershire as well as the Virtual School Governing Board (VSGB). The VSGB was designed to improve support available to looked after children at school. A website was in the process of being developed for the VSGB which would provide further information about its purpose.

Members were advised that Councillor Prosser would be meeting with a representative of Worcestershire County Council to discuss the role of the Corporate Parenting Board later in the month.

Councillor Baker-Price informed Members that he would be hosting a Corporate Parenting event on 31st October 2018. Members would be welcome to attend to learn more about their roles as Corporate Parents.

c) Grants Panel – Chair, Councillor Greg Chance

Councillor Chance advised Members that the next meeting of the Grants Panel would take place the following day. During this meeting Members would consider bids for grants.

d) Member Support Steering Group – Chair, Councillor Dormer

Councillor Dormer advised that the latest meeting of the Member Support Steering Group took place on 16th October. During this meeting Members had received an update on IT

support and had considered information about training that had recently been delivered to Members. The group had also discussed a project that had been launched by Officers to review how to reduce the amount of paperwork generated for Committee meetings. Councillor Dormer concluded by urging Members to attend the training that was due to be delivered on 10th December in respect of the measures dashboard.

e) Planning Advisory Panel – Chair, Councillor Dormer

Councillor Dormer advised Members that a meeting of the Planning Advisory Panel (PAP) would take place in November, though the exact date remained to be confirmed.

Members noted that no meeting of PAP had taken place since March 2018. Questions were also raised about meetings of the Economic Development Theme Group. The Chief Executive explained that this theme group was not included in the updates as it was not an advisory panel. However, he confirmed that the group continued to meet.

55. COUNCIL HOUSING GROWTH PROGRAMME - PROPOSED DEVELOPMENT SITES

The Housing Strategy and Enabling Team Leader presented a report in respect of proposed development sites for the Housing Growth Project. The Executive Committee had agreed the Housing Growth Programme some months ago and this report called for Members to endorse proposals for the development of Council houses in particular locations within the Borough. The majority of the sites that had been identified were HRA assets. The exception to this was the Hawthorn Road Community Centre (former Redditch Play Council site), which was a General Fund asset. Officers were proposing that to ensure consistency the Hawthorn Road site should be transferred to the HRA.

In many cases Officers were aiming to develop two bedroom bungalows as demand for this type of property was high. Members were advised that Officers would report back to the Executive Committee about the proposals for each site for approval.

Redditch Borough Council had not worked on developing new Council house properties since the 1990s and there was no longer the expertise in-house to work on this. Therefore Officers were proposing to go out to tender to work with an external specialist on this project.

During consideration of this item Members noted that the Overview and Scrutiny Committee had pre-scrutinised the Housing Growth

Executive Committee

Tuesday, 23 October 2018

Programme – Proposed Development sites report at their meeting on 18th October 2018. The Overview and Scrutiny Committee had concluded their discussions of the item by endorsing the proposals detailed in the report.

Members discussed the report in detail and noted that funding for the Housing Growth Programme had been provided from the HRA. To date the Council had already purchased some properties under the Housing Growth Programme and some one-bedroom flats were due to be purchased shortly. For the new sites it was confirmed that all of the properties that would be developed would be Council houses. Officers had not yet looked at the detail in terms of the type of properties that would be built, beyond considering whether these should be bungalows, houses and so on. This information would be reported to the Executive Committee when the plans for each site were considered, though the timeframes for this could not yet be confirmed.

The Committee recognised that the Housing Growth Programme would also enable the Council to meet its obligations in respect of the Housing Allocations Policy. There had been a reduction in the number of Council houses owned by the Council over the last few decades, primarily due to Right to Buy, and therefore it was important for the Council to replace these properties in order to meet demand. The new properties would also have a positive impact on the Council's income as each tenant would be required to pay rent.

RESOLVED that

- 1) the sites in Appendix 1 be included in Phase 1 of the HRA (Housing Revenue Account) new build programme and proposals to progress the development of HRA new build council housing on them be approved;**
- 2) properties delivered through the Council Housing Growth Programme be let at Affordable Rent, where permitted; and**

RECOMMENDED

- 3) the appropriation of the Hawthorn Road site from the General Fund into the Housing Revenue Account (HRA) in order that it can be developed for new council housing.**

The Meeting commenced at 7.01 pm
and closed at 8.35 pm

5.33 Change of Circumstances

All applicants are required to notify the Housing Options Team at the Council immediately of any change to their circumstances which may affect their priority for housing. Applicants will need to provide proof of their change before it is assessed.

Applicants who have had a change of circumstances and have not informed the Council may have their application suspended whilst an investigation takes place in order to determine eligibility. The applicants' banding will be reassessed at the point that they submit the change of circumstances (not at the point when the circumstances change) and this will then determine their band start date. If an applicant does not respond to contact from the Council within one month, their application will be closed.

Applicants should notify the Council of any change in their circumstances. For example:

- A change of address, for themselves or any other person on their application
- Any additions to the family or any other person they would wish to join the application
- Any member of the family or any other person on the application who has left the accommodation
- Any confirmed pregnancy
- Changes of name
- Changes in financial circumstances, including change of employment
- Accommodation issues
- Medical or other housing needs

5.34 Additional Preference – Community Contribution of Key Workers and Volunteers.

The Council wants to recognise the many people who provide key worker services to the Borough, for example nurses, social workers and police officers, and will award an additional waiting time of six months for those applicants in key worker occupations. The key worker status can apply to either the applicant or joint applicant. The responsibility will be on the applicant or joint applicant to provide the evidence to be awarded this additional preference.

I. Applicants Volunteering

Applicants volunteering for a minimum of 20 hours per month with a registered charity and for a continuous period of at least six months, at the point of application, at review and the same at the point of offer will be awarded an additional six months waiting time.

II. Applicants who are full time carers

Applicants who are unable to take up key worker or volunteering positions because they care for someone on a full time basis and have done so for a minimum period of six months (before applying) and are in receipt of carers allowance (due to disability or frailty), , will qualify for the award of an additional six months.

This page is intentionally left blank

Financial Planning 2019/20-2022/23

General Fund

	2018/19 £k	2019/20 £k	2020/21 £k	2021/22 £k
Net Service Expenditure	9,094	9,115	9,173	9,388
Investment income	-538	-534	-534	-534
MRP(Principal)	1,020	1,134	1,268	1,280
Recharge to Capital programme	-425	-425	-425	-425
Net Operating Expenditure	9,152	9,291	9,483	9,710
Funded By :				
Council Tax	-6,098	-6,428	-6,731	-7,025
Business Rate Income	-2,239	-2,171	-2,171	-2,171
Parish Precept	8	8	8	8
Revenue Support Grant	-35	0	0	0
Tariff Adjustment	0	331	331	331
New Homes Bonus	-674	-703	-619	-619
Expected Levy Payment (net)	93	96	98	100
Bad Debt Provision	50	50	50	50
Collection Fund Surplus	-167	0	0	0
Use of Balances	-89	0	0	0
Total Funding	-9,152	-8,817	-9,034	-9,326

General Fund – Revenue

Strategic Purpose	2018/19 Budget Exp £'000	2018/19 Budget Inc £'000	2018/19 Budget Total £'000
Enabling	11,292	-8,798	2,494
Help me be financially independent (incl education & skills)	27,829	-27,471	358
Help me find somewhere to live in my locality	1,835	-971	864
help me live my life independently (incl health & activity)	1,101	-945	156
Help me run a successful business	1,044	-1,041	3
Keep my place safe and looking good	6,394	-2,565	3,829
Provide good things for me to see, do and visit	3,858	-2,468	1,390
Grand Total	53,353	-44,259	9,094

General Fund – Capital

Total 2018/19 £4.876m

Projects include:

Vehicle replacements £1.4m

Locality improvements £800k

Public Buildings £350k

General Fund - Revenue

- Negative Grant
- Bew Homes Bonus – current framework
- Planning Fees impact on General Revenue, NHB, Council Tax
- Universal Credit Pressures on demand
- Business Rate Changes – £2m
- Implementation of New Systems

2018/19 – Current Position

- Unidentified Savings £777k
- Quarter 1 – to include delivery of unidentified savings £63k underspent
- End October – share of unidentified savings to be allocated
- Reserves £1.4m
- Balances £1.7m

Housing Revenue Account

- Ring fenced funds
- £24m rental income
- Reduction 1% rent to 2019/20 - £130m loss
- 2017/18 £953k deficit
- 2018/19 £485k deficit
- Current work ongoing re income levels & spend reductions
- Growth Programme will partially offset shortfalls in income

2018/19 – Current Position

- HRA
 - Quarter 1 - £171k underspent
 - Commitments not on system
 - Projected £485k shortfall

2018/19 – Actions

- End October
 - Comparison with 2017/18 Outturn
 - Income detail
 - Cost Centre Detail
 - Reserves release
 - Revise budget allocation to meet unidentified savings

Fees & Charges

- Clarity over full cost recovery or subsidy
 - HOS to assess how service provided delivers Strategic Purpose and consider full recovery or subsidy
 - Template to be completed to support consideration
 - Tap into value of customer for service delivered
 - Take Account of competitor charges
 - Impact assessment to ensure no individual or group is adversely affected by increase in charge

2019/20-2022/23

- **Generating income from Council services through charging, trading and investment**

- Cost recovery
- Fees and Charges
- Review Council assets to ensure they support the delivery of the strategic purposes
- Generate new marketing opportunities
- Regularly review grant opportunities
- Ensure the Council Tax and Business Rates base are accurate to ensure all income can be recovered from residents and businesses

2019/20-2022/23

- **Reducing costs by improving efficiency and removing waste from the system**

- Regularly review contract arrangements with the aim to reduce cost or improve service delivery.
- Develop digital access to reduce costs and improve choice of access method for the community.

2019/20-2022/23

- **Increasing Capital and Revenue returns by delivering housing and economic growth**
 - The Investment and Acquisition Strategy
 - Review asset base to identify any areas of vacant land that may be used for investment opportunities to generate income, increase employment, skills and business rate growth

Next Steps / Actions

- End October
 - all unidentified savings to be met
 - Budgets to be reset based on 17/18 actuals
 - Reserves draw down agreed
 - Budget bids to be considered/ invest to save opportunities
 - Fees and Charges to be considered re full cost recovery v subsidy

This page is intentionally left blank

**EXECUTIVE
COMMITTEE**

23rd October 2018

VOLUNTARY & COMMUNITY SECTOR GRANTS PROGRAMME 2019/20

Relevant Portfolio Holder	Councillor David Bush, Portfolio Holder for Economic Development, Town Centre and Commercialism
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Head of Community Services
Wards Affected	All
Ward Councillor Consulted	N/A
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report recommends a change to the way in which Council funding is awarded to the Voluntary and Community Sector (VCS) in Redditch. The report sets out a proposal to move away from awarding funding through a corporate competitive grant giving process to one where each Ward Councillor has a designated budget to propose spend on projects across Redditch and within their Ward. It is suggested that this process is piloted for the year 2019/20.

2. RECOMMENDATIONS

The Executive Committee is requested to **RECOMMEND** that

- 1) the VCS Grants Programme change from a corporate competitive grant giving process to one where funding proposals are made from Ward Councillors for qualifying organisations – a Councillor Community Grants Scheme;
- 2) £5,000 is made available to each Ward Councillor to support VCS organisations, and /or VCS led projects and initiatives in their ward or the wider Borough;
- 3) during 2019/20 a minimum of £350 be dedicated from each Councillor's allocation to project(s) which promote cultural awareness and cultural cohesion;
- 4) the new programme be piloted for a year;
- 5) the Head of Community Services be given delegated authority to sign off funding proposals;

**EXECUTIVE
COMMITTEE**

23rd October 2018

- 6) a refreshed VCS Grants Policy and Guidance Notes for the Councillor Community Grants Scheme be drafted and considered at a future meeting of the Executive Committee; and
- 7) funding received from the Institute of Cemetery and Crematorium Management (ICCM) Recycling of Metal Recovered from Cremation Scheme be allocated as part of an application process and decided by a panel of members.

3. KEY ISSUES**Financial Implications**

- 3.1 The current voluntary and community sector grants budget is set at £240,000. This report recommends a reduction of this budget to £220,000 in 2019/20. This includes a sum of £75,000 Investing Grant currently paid to Citizens Advice under a 3 year contract for Financial and Problem Solving Services, which was awarded in March 2017

Background

- 3.2 Each year the Grants Team looks at how the Grants Programme can best serve the local VCS while aligning the programme to the Council's Strategic Purposes. In previous years, the Major Grants pot has had scope to fund £136,000 worth of projects.
- 3.3 The current Grants Programme also includes the Stronger Communities Grants which are smaller grants of up to £500 which enables small groups to deliver a wide variety of projects. Usually, there is £16,000 worth of funding available for this pot.
- 3.4 A full list of all funded organisations is published on the Council's website. Successfully funded projects funded through the Stronger Communities and the Major Grants Pot in the past has been decided by inviting VCS groups to apply using an application form. A cross party Grants Panel comprising 5 Councillors considers the applications and scores them using a scoring matrix to decide on the final outcome.

**EXECUTIVE
COMMITTEE**23rd October 2018

Legal Implications

- 3.5 The Council needs to continue to ensure that it has a transparent and fair grants scheme, ensuring that we comply with the 2015 Local Government Transparency Code
- 3.6 Under Section 137 of the Local Government Act 1972, the Council has the power to incur expenditure which in its opinion is in the interest of and will bring direct benefit to its area or any part of it or all or some of its inhabitants. The direct benefit accruing must also be commensurate with the expenditure to be incurred.
- 3.7 There is a further power to make grants to voluntary organisations providing recreational facilities under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.8 Local Authorities must comply with the 2015 Local Government Transparency Code and Best Value duties
- 3.9 The proposed scheme will enable the Council to incur this expenditure in compliance with these statutory requirements. Individual members do not have delegated authority to make payments but can propose a payment from the sum 'allocated' to them to support organisations and projects which meet the Council's VCS Grants Programme Policy, which will be signed off by the Head of Community Services who holds the corporate grants budget.

Service / Operational Implications

- 3.10 The themes and proposed split of funding for the 2019/20 Grants Programme was last reviewed in September 2017 and changes were made at that point to reflect the Council's Strategic Purposes, customer demand and the current health of the VCS in Redditch. From the £240,000 budget, £4,000 is currently retained for the delivery of training to the VCS and to facilitate external funding.
- 3.11 Officers have worked with the relevant Members to review the funding and thematic split of funding for 2019/20. Instead of awarding funding through the Grants Panel and initiating an application process for both the Major Grants and Stronger Grants rounds, the proposal is to make available £5,000 to each of the 29 Ward Councillors in Redditch. This funding can be used to fund groups, initiatives and projects benefiting communities across Redditch and within their local ward area and must be in accordance with the VCS Grants Policy. The basic principles of the fund include the following:

**EXECUTIVE
COMMITTEE**

23rd October 2018

- £5000 be made available to each Councillor in the 2019/20 financial year.
 - Any funding not spent within the 2019/20 financial year will be returned to balances.
 - The funding can be spent purely within the Councillors own ward boundary or on projects which benefit the whole of Redditch as well as community members in their ward.
 - Any group can be funded as long as they fit the criteria as set out in the Voluntary and Community (VCS) Grants Programme Policy.
 - If they wish, Councillors can pool their allocations together to increase the amount given to one project or group
 - It is suggested that an agreed cap for the pooling of funding allocations should be set at £20,000 and reflected in the VCS Grants Policy.
 - Each year, a proportion of the funding can be aligned to a particular funding theme or purpose of the Executive Committee's choosing. For 2019/20 it is proposed that a minimum of £350 be dedicated from each Councillor's Pot to project(s) which deliver on issues around cultural awareness and the promotion of cultural cohesion.
 - A short form will be required to be completed by VCS groups briefly describing the group and the project to be funded. This form should then be endorsed by the relevant Councillor who submits this to the VCS Grants Officer to test that it is in accordance with the VCS Grants Policy and for the Head of Service to release the funding.
 - Councillors will be expected to attend a training and information event about the process before any funding is released for their chosen organisations/projects/initiatives.
- 3.12 If this change is approved, the profile of the VCS Grants budget would be as follows:
- Citizens Advice Financial and Problem Solving Advice Contract -
£75,000
Ward Member Fund – 29 x £5,000 = £145,000
- This totals £220,000 which enables a saving of £20,000 to be made. This saving includes £4000 which has been paid in the last three years under a Service Level Agreement to Bromsgrove and Redditch Network (BARN) for training and capacity building which expires in March 2019.
- 3.13 Some of the feedback from the VCS to Officers and Councillors involved in the process over the years had been quite critical of the application process and considered it to favour groups that were particular good at writing funding application bids or could afford to pay professional bid writers. In addition, Councillors involved in the scoring

**EXECUTIVE
COMMITTEE**23rd October 2018

process felt constrained by the scoring matrix and that it offered little flexibility to consider other issues which might affect their decision making about groups and their applications.

- 3.14 Advantages to awarding funding through a Councillor Community Grant Fund include:
- an increased ability for each Councillor to influence work undertaken by groups in their local area;
 - an opportunity for Councillors and local VCS groups to get to know each other better and for Councillors to better understand what VCS services are being provided in Redditch;
 - a reduction in the bureaucracy involved in giving out funding;
 - a new opportunity for VCS groups to pitch and discuss their bids rather than submitting requests in writing through a very structured application form;
 - an increased amount of flexibility for how funding is distributed; and
 - a wider spread of funding to groups that may not usually benefit from the Grants Programme.
- 3.15 The possible issues that may arise from the implementation of this change to the programme have also been considered. Some of the concerns include:
- Limitations to Redditch wide based groups not being able to secure funding and the potential burden of having to approach 29 Councillors to ask for funding.
 - Some VCS groups not potentially being able to access the same level of funding they have previously and the potential negative impact of this.
 - Councillors not allocating their funding until the last minute or spending it all at the very beginning of the financial year.
 - The confidence and ability of some VCS groups to approach local Councillors directly for funding.
- 3.16 While undertaking the writing of this report, some consultation and discussion took place with VCS representatives. Officers consulted with Bromsgrove and Redditch Network (BARN), an umbrella organisation representing the VCS locally and also attended a BARN Network meeting where the proposal was discussed. Members also discussed the proposal with some local VCS Groups. In response to early feedback from this consultation, changes were made to the original proposal of Councillors only being able to fund projects within their ward to being able to spend their allocated funding on projects which benefitted residents across the town as well as in their own wards.

**EXECUTIVE
COMMITTEE**23rd October 2018

- 3.17 Appendix 1 sets out in more detail the feedback received on the proposal. It also provides a response to this feedback and ways to mitigate any possible negative impacts of the proposed scheme.
- 3.18 Part of this review of the grants process addresses the funding given to local bereavement charities on an annual basis as part of the Institute of Cemetery and Crematorium Management (ICCM) Recycling of Metal Recovered from Cremation Scheme. Local Authorities are able to send (with permission of the families) metal parts recovered after cremation for recycling. Money made from this is then gifted back to the Local Authority to be distributed to local bereavement charities. Currently Officers nominate charities to receive the funding. It is proposed in this report that in future, charitable organisations which deal with bereavement issues be asked to apply for this funding and for Councillors to make the decisions about which organisation(s) should receive the funding. The finer details of how this would work need to be worked up and included in the refreshed VCS Grants Policy but agreement in principal is being sought from the Executive Committee at this time.

Customer / Equalities and Diversity Implications

- 3.19 The 2018/19 Grants Programme has supported 21 projects under the main grant fund with 27 projects/events being funded in the first two rounds via the Stronger Communities fund.
- 3.20 The 2018/19 Grants Programme under the main grant fund received 46 applications from 31 organisations, with the Programme seeing several new organisations applying to the programme who had not applied to this fund previously. The total amount requested for the Major Grants Programme for 2018/19 was £316,003.
- 3.21 An Equalities Impact Assessment has been conducted for this proposed change to awarding grant funding which sets out any implications for Equality Groups from these proposals.

4. RISK MANAGEMENT

- 4.1 This report requests that an updated Grants Policy which clearly sets out how grants are awarded be written in light of the changes to the Grants Programme. This Policy will be implemented to alleviate a number of risks to the Council including funding being directed to inappropriate organisations or projects and risks from any organisations receiving funding which then subsequently close.

**EXECUTIVE
COMMITTEE**23rd October 2018

- 4.2 The VCS Grants Coordinator is available to discuss this process both with VCS groups interested in applying and with Councillors who are looking to allocate the funding. They will be able to help both parties get the best out of this process which should assist in mitigating risks for the Council. It is the intention of the Grants Team to hold three events per year where Councillors and VCS Groups can come together and learn about potential projects and organisations working in Redditch which could be funded.

5. APPENDICES

Appendix 1 – Councillor Community Grants Scheme – Feedback on Proposal

6. BACKGROUND PAPERS

- Local Government Transparency Code 2014
- Voluntary Sector Task Group Report 2014
- Reference Executive Committee report 2010
-

AUTHOR OF REPORT

Name: Helen Broughton
E Mail: helen.broughton@bromsgroveandredditch.gov.uk
Tel: 01527 64252 Ext. 3237

This page is intentionally left blank

Appendix 1 - Councillor Community Grants Scheme – Feedback on Proposal

The following table sets out responses from VCS representatives, relevant officers and Councillors regarding the proposal to move from a competitive grants process to a Councillor Community Grants Scheme. Issues are listed which have been raised and where possible a response has been given which may address the issue.

	Issue raised	Response
1.	The scheme could be viewed as a good opportunity for the VCS in Redditch to get to know their local Councillors better and for Councillors to gain a better understanding of the groups operating in their local area and in Redditch as a whole.	This is one of the major benefits of the proposed scheme.
2.	In some cases, VCS groups would welcome the lifting of the burden of writing applications forms.	The complexity of the process and the application forms has been a consistent criticism of the current scheme over the years. The proposed scheme would address this issue by taking away the burden of having to fill in a long application form.
3.	Without set criteria (as in the current scheme) VCS representatives were unsure about what projects/initiatives/service they could request funding for.	VCS groups have been assured that the spirit of the proposed scheme is still the same as the current scheme so community projects focussed on similar themes would be welcomed. A list of types of projects which Councillors would be looking to fund needs to be drawn up by Officers and distributed to VCS groups and included in Councillor Guidance notes once the new scheme is launched.
4.	Concerns were raised by VCS organisations about those organisations whose projects focussed town wide. How would they know which Councillors to target and will it be difficult to convince Councillors to fund their projects rather than something in specific ward areas?	The scheme has already been changed in light of feedback around this issue, however, it is acknowledged by officers that this could pose a problem to those groups who target their work across the whole of Redditch. VCS groups who fall into this category would be advised to approach all Councillors if they felt their project benefitted people from all areas in Redditch. Training provided to Councillors will cover the fact that some organisations and groups target all of Redditch and will encourage them to find ways that they

		might apportion their funding pot between groups in the local ward and those that target the whole of Redditch as well as communities in their own ward.
5.	VCS organisations felt that existing personal relationships with Councillors would have a bearing on how successful they may be.	Groups who already have a good relationship with their local Councillor(s) are likely to find it easier to make those first approaches for funding. However, this gives VCS groups an incentive to forge new positive relationships with their local Councillor(s) and other Councillors in Redditch. Training given to Councillors will cover the need for them to look beyond personal relationships and take this opportunity to find out what else is out there before they make any decisions about their funding pot.
6.	Concerns were raised about the level of inconsistency which may arise from 29 different Councillors making decisions about how to spend grant funding. Some Councillors may only require a quick chat whereas others may want more information, statistics and evidence before being convinced to fund projects.	This is a potential problem of the scheme. The Grants Team though training can try to encourage councillors to be as consistent as possible in the way they make their decisions throughout the process.
7.	Some concerns have been raised about accountability of the funding and ensuring funding is spent wisely.	<p>Pending approval of this new scheme, the VCS Grants Policy will be refreshed to take into account this new way of working and how to ensure councillors are accountable for their spend. The Policy will still set out basic rules about what types of organisations and projects can be funded. Monitoring arrangements will still be in place which will be undertaken through the Grants Team.</p> <p>It is also suggested that some onus be put on leaders of each political group to ensure that Councillors within their group are spending money in accordance with the Grants Policy.</p>
8.	Some concerns have been raised around the impact the proposed scheme will have on planning projects.	Officers need to consider this issue and offer guidance through the policy and guidance notes. Flexibility around agreement and timing of release of funds for groups could be built into the process to circumvent potential problems which could arise.

9.	<p>There were queries around underspend and what happened to any funding left over. It was also asked if the organisations themselves would be able to carry over funding into the next financial year.</p>	<p>The County Council model permits councillors to carry over a £1000 underspend into the next financial year. This is something that needs to be considered and written into the policy and guidance notes. Current policy stipulates that grant funding needs to be spent within the grant year so it is suggested this remains the same for this scheme.</p>
10.	<p>Questions around funding levels and risk have been raised by the VCS. Will there will be a capped amount that community organisations can receive determined by their status e.g. whether they are constituted or not?</p>	<p>The current VCS Grants Policy and process does have strict guidelines around what levels of funding the different types of organisations can receive. For example, the Policy states that new organisations only in existence for a year can only receive £5, 0000 from the Major Grants Pot until they are able to demonstrate a good track record of financial management through their accounts.</p> <p>The current Stronger Communities Pot encourages grassroots and community groups to apply but there is only £500 available to these types of groups. It is suggested that officers build in some criteria into the guidance and policy for the new scheme ensuring that levels of funding being allocated are commensurate to the type of organisation which is applying.</p>

This page is intentionally left blank

EXECUTIVE23RD October 2018**SHAREHOLDER COMMITTEE – RUBICON LEISURE**

Relevant Portfolio Holder	Cllr Mike Rouse
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific

1. SUMMARY OF PROPOSALS

- 1.1 To enable members to consider the establishment of the Shareholder Committee for Rubicon Leisure.

2. RECOMMENDATIONS

2.1 The Executive is asked to recommend to Council

2.2 That a Shareholder Committee is established of 5 members. The Committee to take the form of 3 members from the controlling group and 2 members from the opposition

2.3 That the reserved matters as detailed in 3.3 be delegated to the Shareholder Committee.

3. KEY ISSUES

- 3.1 As Members are aware approval was given to set up the new Company and transfer various leisure services to it from 1 December 2018.

- 3.2 The Company will be wholly owned by the Council and it will be constituted so that the Council as “shareholder” (or more correctly Member as the Company will be limited by guarantee rather than limited by shares) has various powers reserved to it. This is ensure that the Council retains the desired degree of control over the Company.

- 3.3 In the first instance the following reserved matters are proposed to be reserved to the Council as shareholder:

- Approvals for the appointment and dismissal of NewCo Directors
- Approval of loans over £20,000 , charges on NewCo assets , and contracts with terms of five years or more
- Approval of spending commitments above £250,000, or for duration of 24 months or remaining term (whichever is lower)
- Approval of Directors remuneration (if applicable)

EXECUTIVE23RD October 2018

- Appointment and remuneration of MD , and dismissal of same
- Approval of above inflation pay increases and any other remuneration packages
- Approval of litigation defences or claims
- Approval of the appointment of bankers and auditors
- Approval of the annual Business Plan

3.4 The default position is that these powers will rest with Full Council. To streamline the decision making process, allow active exercise of the shareholder powers, and ensure that the Company is not hampered in responding to commercial opportunities by cumbersome Council process, this report recommends the establishment of the Shareholder Committee and the delegation by the Council of its shareholder powers to that Committee.

3.5 The Shareholder Committee's role will be limited to exercising the Council's powers as shareholder. The Company's Board will be responsible for running the business, and proper delivery of the services by the Company will be ensured through robust management of the service contract by the Council client department (Leisure).

Financial Implications

3.6 There are no financial implications that are as a direct result of the establishment of the Shareholder Committee.

Legal Implications

3.7 The Council must retain control over the Company to ensure that the Company can benefit from the Teckal Exemption, allowing the Council to contract with it for the delivery of leisure services without conducting an open procurement exercise.

3.8 The matters reserved to the Council as shareholder have been framed so as to ensure that the Company falls within the Teckal Exemption. The reserved matters powers must be actively exercised and enforced to ensure that the benefit of the Teckal Exemption is maintained throughout the life of the service contract.

3.9 The necessary degree of active control may be difficult to achieve if the reserved matters powers remain with Full Council.

3.10 The contractual documentation between the Council and the Company will also contain mechanisms and checks and balances to incentivise good performance and also to ensure compliance with the Teckal Exemption.

4. BACKGROUND PAPERS

Business Plan for the Leisure Company

EXECUTIVE

23RD October 2018

AUTHOR OF REPORT

Name: Jayne Pickering – Executive Director Finance and Resources
email: j.pickering@bromsgroveandredditch.gov.uk
Tel.: 01527 881207

This page is intentionally left blank

EXECUTIVE COMMITTEE23rd October 2018**COUNCIL HOUSING GROWTH - PROPOSED DEVELOPMENT SITES**

Relevant Portfolio Holder	Councillor Matt Dormer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis / Amanda Singleton
Wards Affected	All
Ward Councillor Consulted	No
Key Decision	
This report contains exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. SUMMARY OF PROPOSALS

- 1.1 Council agreed the Council Housing Growth Programme and funding of £12.5m on the 30 January 2017. A number of options to increase the Councils housing stock were agreed including commissioning the construction of new Council houses.
- 1.2 This report identifies a number of Council owned sites that officers, following the completion of a desk top exercise, are proposing the Council add the sites to Phase 1 of the HRA (Housing Revenue Account) new build programme.
- 1.3 The sites identified are considered HRA assets with the exception of the site Hawthorn Road Community Centre (Former Redditch Play Council site) which is a General Fund (GF) asset and the proposal is to transfer this to the HRA.
- 1.4 The Council is able through its HRA new build programme to charge social rent or affordable rent to any properties delivered through it. Officers are proposing that all properties delivered through the programme are let at affordable rent levels, following the Governments Affordable Rent framework, where permitted.
- 1.5 Officers have assessed the possible numbers and type of properties that could be delivered on the suggested sites. It is anticipated that the sites could provide a total of 67 new council homes, subject to planning.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 2.1 The sites in Appendix 1 be included in Phase 1 of the HRA (Housing Revenue Account) new build programme and proposals**

EXECUTIVE COMMITTEE23rd October 2018

to progress the development of HRA new build council housing on them be approved;

- 2.2 Properties delivered through the Council Housing Growth Programme be let at Affordable Rent, where permitted.

The Committee is asked to RECOMMEND that

- 2.3 The appropriation of the Hawthorn Road site from the General Fund into the Housing Revenue Account (HRA) in order that it can be developed for new council housing.

3. **KEY ISSUES**

Financial Implications

- 3.1 The Council approved a £12.5m budget using Right to Buy 1-4-1 receipts and Capital reserves. As part of the Council Housing Growth Programme £3.285m has been spent on purchasing from the open market, 'off plan' and s.106 properties. The remaining budget is £9.215m.
- 3.2 The table below shows the current maintained receipts and the date these must be used by or returned to central government to include interest payments. These receipts must be used to replace the sales with either new build, buy back of properties or purchase on the open market (new stock). There is a large spending requirement in 2019/20 which increases the risk that the Council may have to return some receipts.

Total Spend Required	Date by	Cumulative Spend
£921,803	31/03/2019	
£1,300,901	30/06/2019	£2,222,704
£1,418,760	30/09/2019	£3,641,464
£1,184,526	31/12/2019	£4,825,990
£715,636	31/03/2020	£5,541,626
£635,133	30/06/2020	£6,176,759
£716,104	30/09/2020	£6,892,863
£602,536	31/12/2020	£7,495,399
£1,240,779	31/03/2021	£8,736,178
£498,060	30/06/2021	£9,234,238

EXECUTIVE COMMITTEE**23rd October 2018**

- 3.3 Officers have estimated the number of properties each site will possibly achieve subject to planning permission. The estimated cost of developing these sites is £8.173m
- 3.4 There are currently sufficient resources in the budget available without impacting upon other housing investment priorities to fund this programme.
- 3.5 The appointment of all professional services and the construction works will follow the Council's Contract Procedure Rules 2018. Officers will explore framework agreements that organisations such as Homes England and the Central Housing Investment Consortium have in place that are EU compliant to ensure value for money and the developments are delivered without delays.
- 3.6 The cost of building new stock for the HRA will be protected by the cost floor rule if a tenant submits a Right to Buy application for the property. This rule means that the discount is limited so the amount of discount does not reduce the sale price below the cost of the property. This will be in force for a 15 year period from the date the Council obtains the property. The cost of the property will not include land value as there was no acquisition of land.
- 3.7 Transferring the Hawthorn Road site to the HRA will increase the HRA's capital financing requirement. The HRA is currently at the borrowing cap, the cost of the site will be paid down from the HRA reserve to generate sufficient head room for this accounting adjustment. This will have the opposite effect by reducing the General Fund capital financing requirement.

Legal Implications

- 3.8 The Housing Act 1985 Part II section 9 permits a local authority to build/acquire new housing.
- 3.9 The Hawthorn Road site will be required to be appropriated under relevant legislation.

Service / Operational Implications

- 3.10 Officers from the Land, Asset & Building Group have undertaken an initial assessment of a number of sites considered as having potential for residential development of new HRA stock. Following this assessment the sites at Appendix 1 have been brought forward for approval for inclusion in Phase 1 and for officers to progress the development of new HRA houses.

EXECUTIVE COMMITTEE**23rd October 2018**

- 3.11 Officers have estimated the cost of building out these sites and the expected rental income on Affordable Rents (Confidential Appendix 2). Officers consider that the sites will be delivered through packages to help reduce the risk of using one building contractor and assist in reducing delivery times. Officers estimate that planning, procurement and build will be up to 18 months per site.
- 3.12 The tables below identify the possible property types for each development subject to detail investigations and planning permission.

1. Loxley Close	2. Clifton Close	3. Auxerre Avenue
4 X 2 Bed Bungalow	5 X 2 Bed Bungalow	5 X 2 Bed Bungalow
2 X 2 Bed House		
2 X 3 Bed House		
2 X 4 Bed House		

4. Fladbury Close	5. Edgeworth Close	6. Ibstock Close
2 X 2 Bed Bungalow	2 X 4 Bed House	8 X 2 Bed Bungalow
	8 X 3 Bed House	
	6 X 2 Bed House	
	4 X 2 Bed Bungalow	

7. Heronfield Close	8. Hawthorn Road Comm Centre	9. Sandygate Close
3 X 2 Bed House	2 X 2 Bed House	5 X 2 Bed Bungalow

10. Cherry Tree Walk / Fox Cres
7 X 2 Bed Bungalow

Total Estimated Provision	
2 Bed House	13
2 Bed Bungalow	40
3 Bed House	10
4 Bed House	4
Total	67

EXECUTIVE COMMITTEE**23rd October 2018**

- 3.13 Having considered the housing needs of the Borough, Officers are proposing to develop an increased number of two bedroom bungalows to encourage current social housing tenant's under-occupying family accommodation to move to more suitable accommodation.
- 3.14 Developers do not consider bungalows an efficient use of land due to its larger footprint size. To maximise the sites developable area it is proposed that these bungalows will be dormer bungalows with a bedroom and en-suite in the roof space.

Hawthorn Road site

- 3.15 The Council accounts for its General Fund and HRA separately. Assets can be moved from the GF to the HRA with the intention that the asset will be developed for social rented or affordable housing and transfers will be accounted for at market value. As an internal accounting transaction, there are no actual financial costs such as Stamp Duty Land Tax; however accounting adjustments will be recorded to provide an audit trail for the transfer.
- 3.16 The Hawthorn Road site was previously used by Redditch Play Council. The property is in a pretty bad state of repair and assessment has indicated a refurbishment cost of over £180k to bring it up to the required standard to lease out to any interested party. The estimated maximum rental income would be in the region of £10,000 per annum and therefore officers consider utilising the site for build new HRA stock as the most effective use of the site.
- 3.17 The view of an independent valuer has been sought, and the current 'as is' sale value will be accounted for as an adjustment in the respective capital financing requirements of the HRA and GF, as such no money will change hands. To generate sufficient head room in the HRA, HRA reserves will be used to reduce the HRA capital financing requirement.

Next Steps

- 3.18 The Council has not built new homes since the early 1990's and no longer has the in house skills to develop new homes. The Housing Strategy Manager is currently undertaking a process to appoint a development agent to assist in delivery and provide support to Council officers. Subject to approval, it is proposed that the sites will undergo detailed discussions, in terms of design and layout, and be submitted for planning permission to achieve a rapid start on site.
- 3.19 The project will progress through the following process towards delivery.

EXECUTIVE COMMITTEE23rd October 2018

- . Detailed design and viability modelling
- . Consultation with stakeholders
- . Planning approval
- . Procurement of the construction contract
- . Delivery of new homes

- 3.20 Every effort will be made to exploit all opportunities to identify the most cost effective solutions and the potential to utilise modern methods of construction will also be further explored.
- 3.21 Procurement options for both the design and construction stages of the project will be fully explored with the aim of achieving the most cost effective and beneficial procurement method. Delivery via a Framework agreement may be preferable particularly if the programme is to be delivered over a series of small sites.
- 3.22 In addition opportunities to maximise the number of employment and training opportunities for local people will be sought via the procurement process. Any training placements will need to be co-ordinated across a number of dispersed sites to ensure they are of sufficient length to be meaningful.
- 3.23 Individual site appraisals will be undertaken to assess build costs in relation to income generated to ensure that value for money considerations are fully considered and approved by the Executive Committee.

Customer / Equalities and Diversity Implications

- 3.24 Increasing the Council's housing stock will assist in the provision of affordable housing in the Borough to meet housing need.
- 3.25 In commissioning the construction of new HRA stock the Council will be able to provide housing that can meet specific needs for adapted properties.

4. RISK MANAGEMENT

- 4.1 There are a number of risks to implementing the Council Housing Growth Programme which are in the table below:

EXECUTIVE COMMITTEE**23rd October 2018**

Risks	Mitigation
Failure to achieve planning permission	<ul style="list-style-type: none"> • A dedicated planning officer will work with the development team to advise specifically on planning issues and recommend solutions • Appointment of experienced development agents
Local resident objections to building on sites	<ul style="list-style-type: none"> • Local residents will be consulted and kept informed of proposals to ensure that officers are aware of any potential objections and may work to ameliorate concerns
Risks associated with using consultants	<ul style="list-style-type: none"> • Ensure that the appointment of both the Development Agent (and its consultants) and, subsequently, contractors are robust, and include an appropriate element of assessment of the parties' ability to undertake the roles and their quality. • Ensure that the Council's risks are minimised through the legal agreements. • Ensure Evaluation Criteria at PQQ and Tender Stage are comprehensive, with key factors weighted appropriately • Ensure that the Development Agent and consultants have sufficient Professional Indemnity Insurance.
Overspend for House Building Programme	<ul style="list-style-type: none"> • Include sufficient provision for contingencies • Ensure effective project management arrangements, to include identification of potential overspends early • Report to Portfolio Holder for Housing quarterly on progress (works and costs)
Abnormal build costs associated with the sites may be discovered	<ul style="list-style-type: none"> • Individual site appraisals including site investigations will be undertaken to ensure that risks are understood and mitigated prior to progressing any site.
Failure to spend 1-4-1 receipts by required deadline	<ul style="list-style-type: none"> • The Council approved a number of options to increase the housing stock and officers will pursue these other options in tandem with this development programme.

EXECUTIVE COMMITTEE23rd October 2018

5. APPENDICES

Appendix 1 – Site plans (Red line Boundary and some indicative layouts)

Appendix 2 – Estimated build costs and rental income (confidential)

6. BACKGROUND PAPERS

Executive Committee Report 12 January 2016 - Housing Revenue Account, rent and capital 2016-17

Executive Committee Report 17 January 2017 - Council Housing Growth Programme

7. KEY

HRA – Housing Revenue Account

GF – General fund

AUTHOR OF REPORT

Name: Matthew Bough

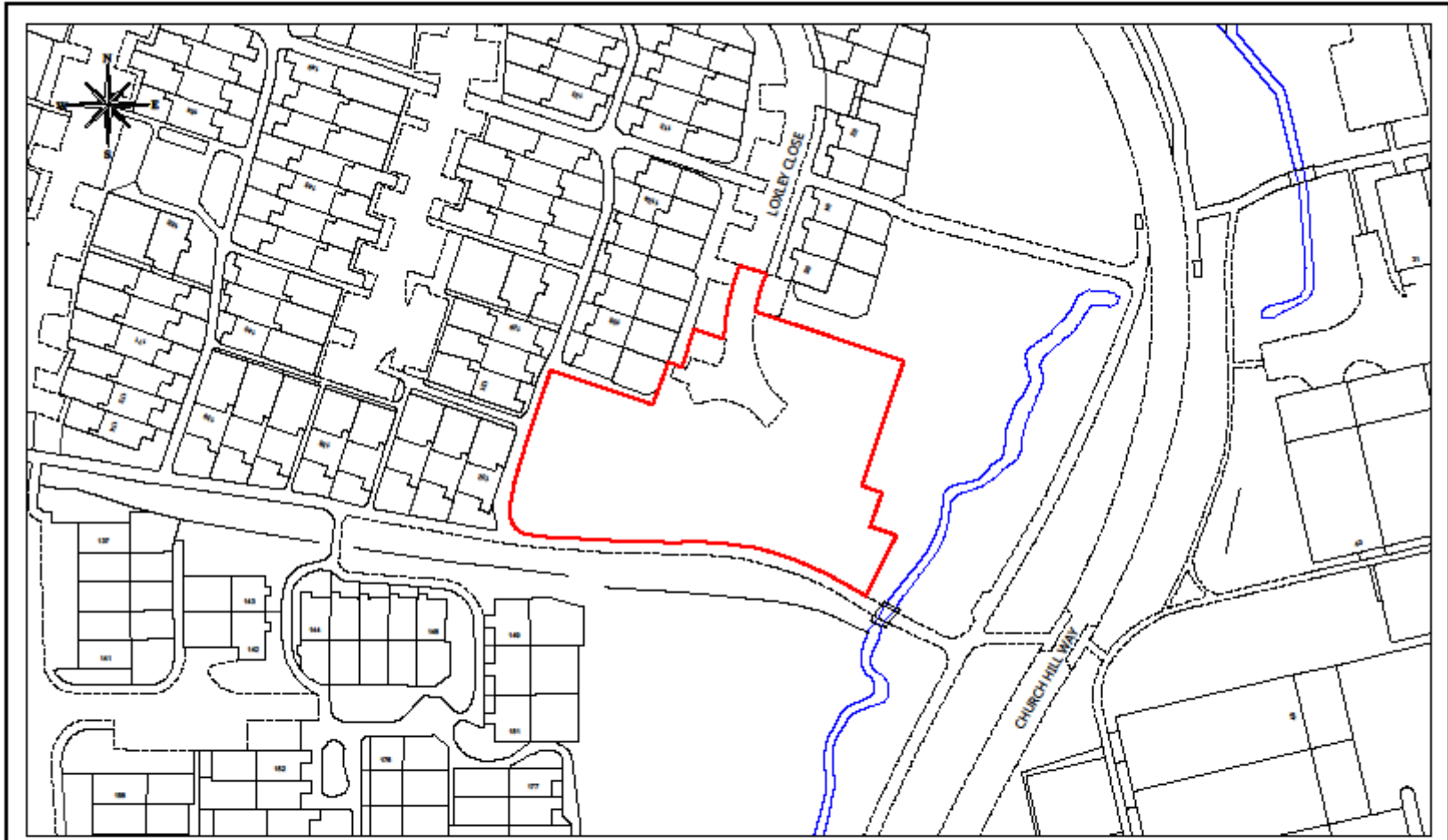
E Mail: matthew.bough@bromsgroveandredditch.gov.uk



Tel: 01527 64252 ext: 3120

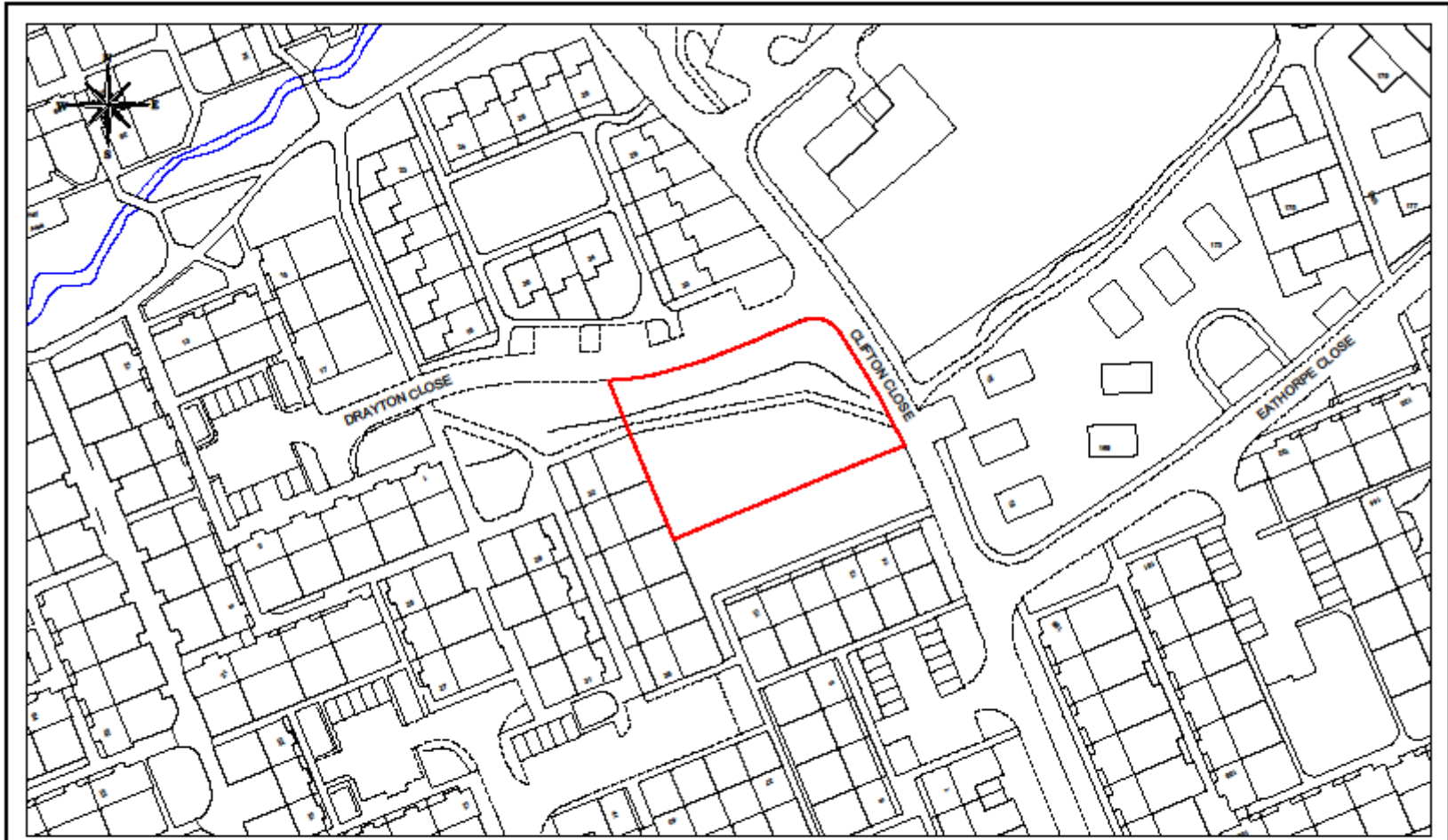
Council Housing Growth Programme



Development Sites

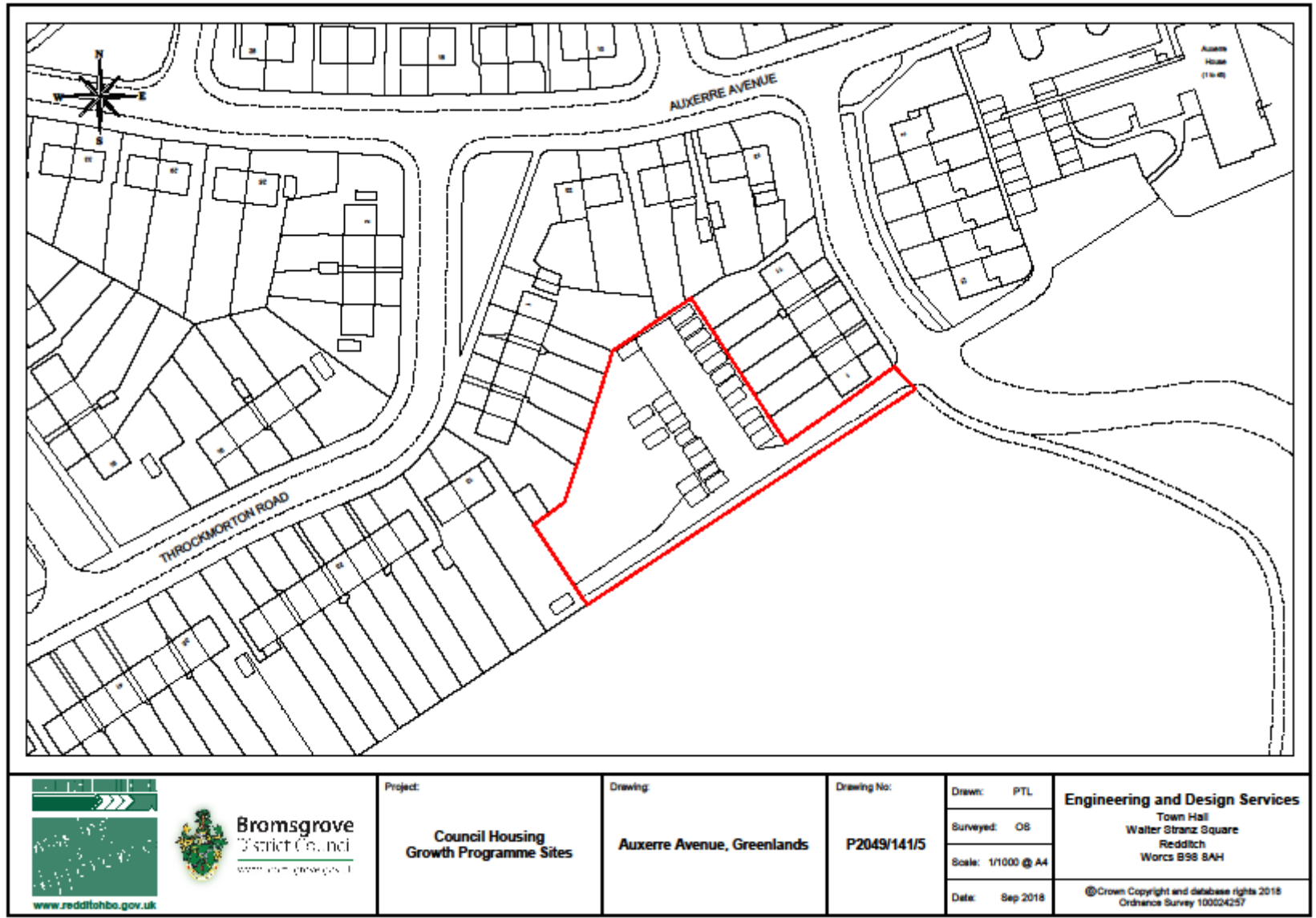
Site Number	Location	Plan Type	Page Number
1	Loxley Close	Red Line	2
2	Clifton Close	Red Line	3
3	Auxerre Avenue	Red Line	4
4	Fladbury Close	Red Line	5
5	Edgeworth Close	Red Line	6
6	Ibstock Close	Red Line	7
7	Heronfield Close	Red Line	8
8	Hawthorn Road	Red Line	9
9	Sandygate Close	Red Line	10
10	Cherry Tree Walk / Fox Cres	Red Line	11





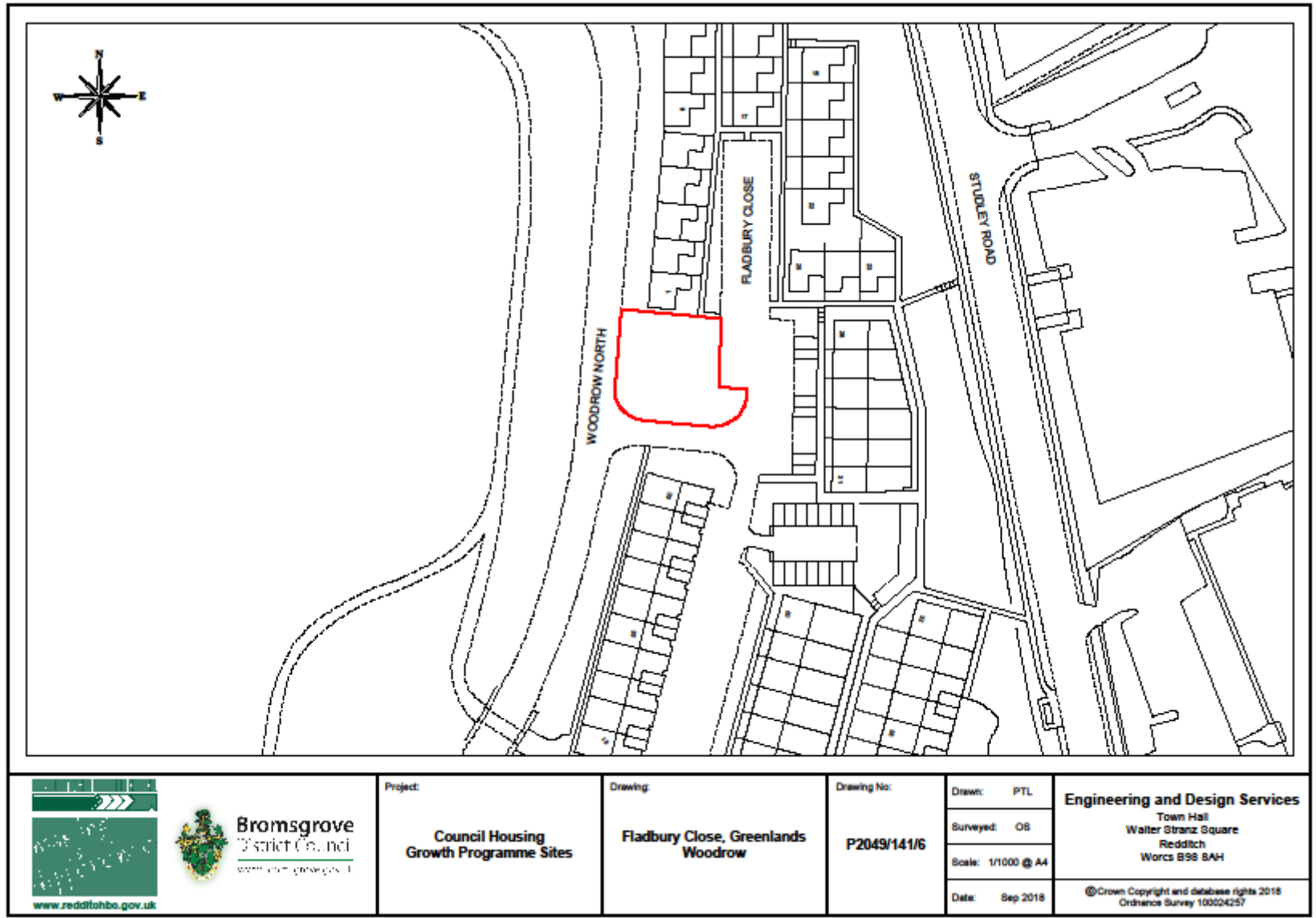
 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	<p>Project: Council Housing Growth Programme Sites</p>	<p>Drawing: Loxley Close, Church Hill South</p>	<p>Drawing No: P2049/141/1</p>	<p>Drawn: PTL Surveyed: 08 Scale: 1/1000 @ A4 Date: Sep 2018</p>	<p>Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH © Crown Copyright and database rights 2018 Ordnance Survey 100024257</p>
--	---	---	--	---	--	---





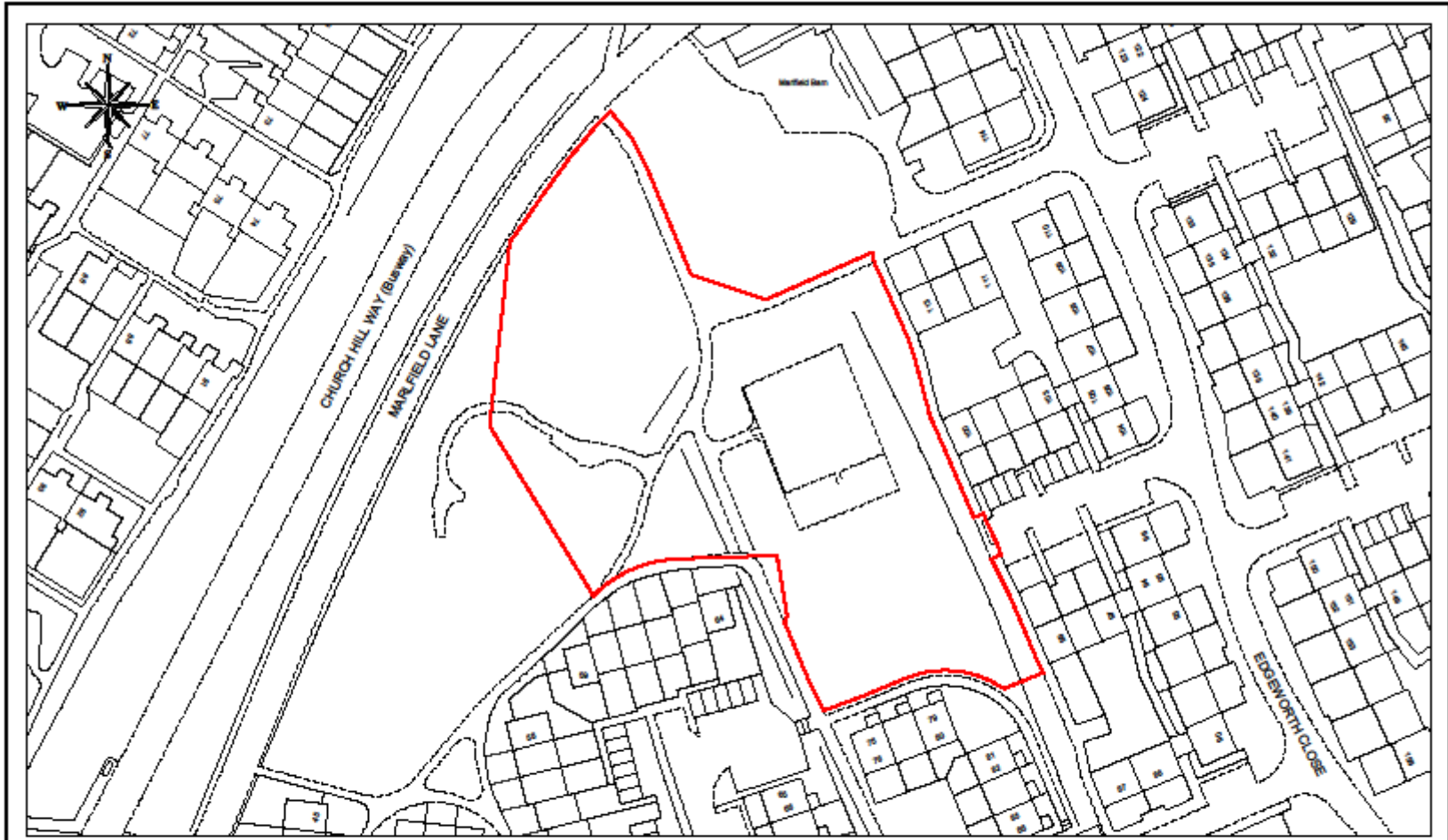
 <p>www.redditch.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	<p>Project:</p> <p>Council Housing Growth Programme Sites</p>	<p>Drawing:</p> <p>Clifton Close, Matchborough West</p>	<p>Drawing No:</p> <p>P2049/141/3</p>	<p>Drawn: PTL</p> <p>Surveyed: 08</p> <p>Scale: 1/1000 @ A4</p> <p>Date: Sep 2018</p>	<p>Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH</p> <p><small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small></p>
--	---	--	--	--	---	--





 <p>www.redditch.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing Growth Programme Sites	Auxerre Avenue, Greenlands	P2049/141/5	Surveyed: 08	
					Scale: 1/1000 @ A4	
					Date: Sep 2018	





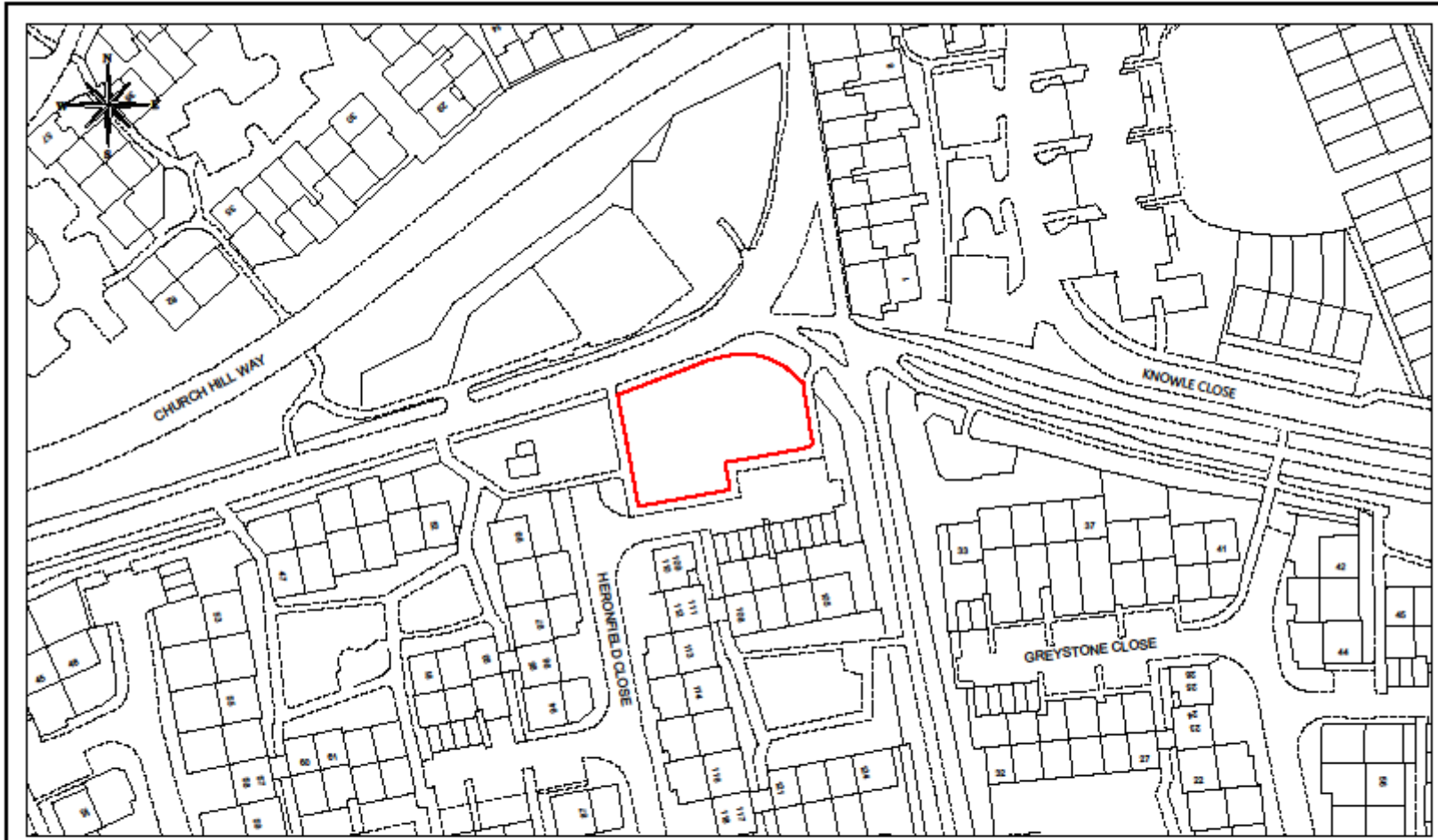
 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	<p>Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH</p> <p><small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small></p>
		Council Housing Growth Programme Sites	Fladbury Close, Greenlands Woodrow	P2049/141/6	Surveyed: 08	
					Scale: 1/1000 @ A4	
					Date: Sep 2018	





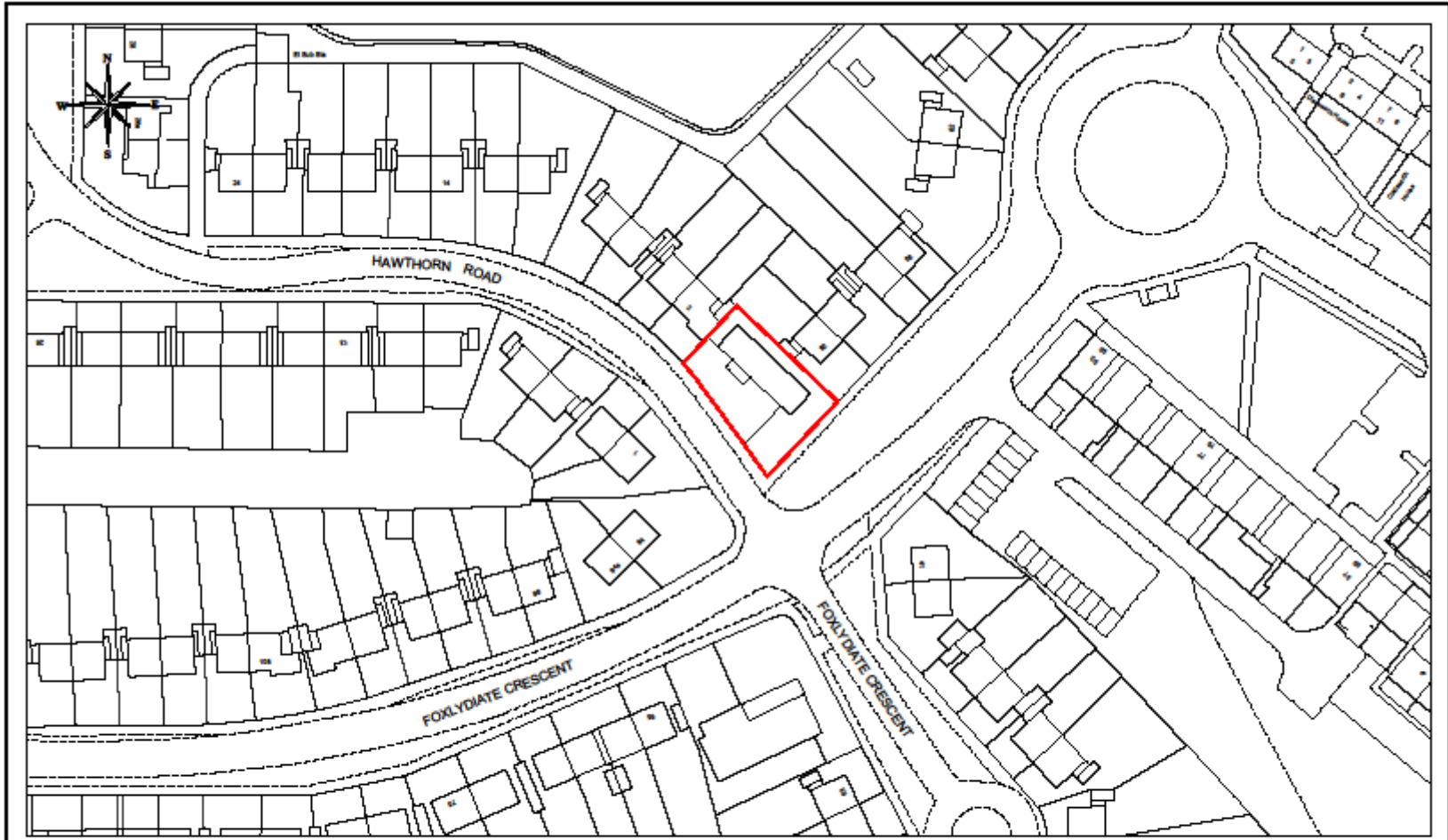
 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	<p>Project:</p> <p>Council Housing Growth Programme Sites</p>	<p>Drawing:</p> <p>Edgeworth Close, Church Hill South</p>	<p>Drawing No:</p> <p>P2049/141/7</p>	<p>Drawn: PTL</p> <p>Surveyed: 08</p> <p>Scale: 1/1000 @ A4</p> <p>Date: Sep 2018</p>	<p>Engineering and Design Services</p> <p>Town Hall Walter Stranz Square Redditch Worcs B98 8AH</p> <p><small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small></p>
--	---	--	--	--	---	---





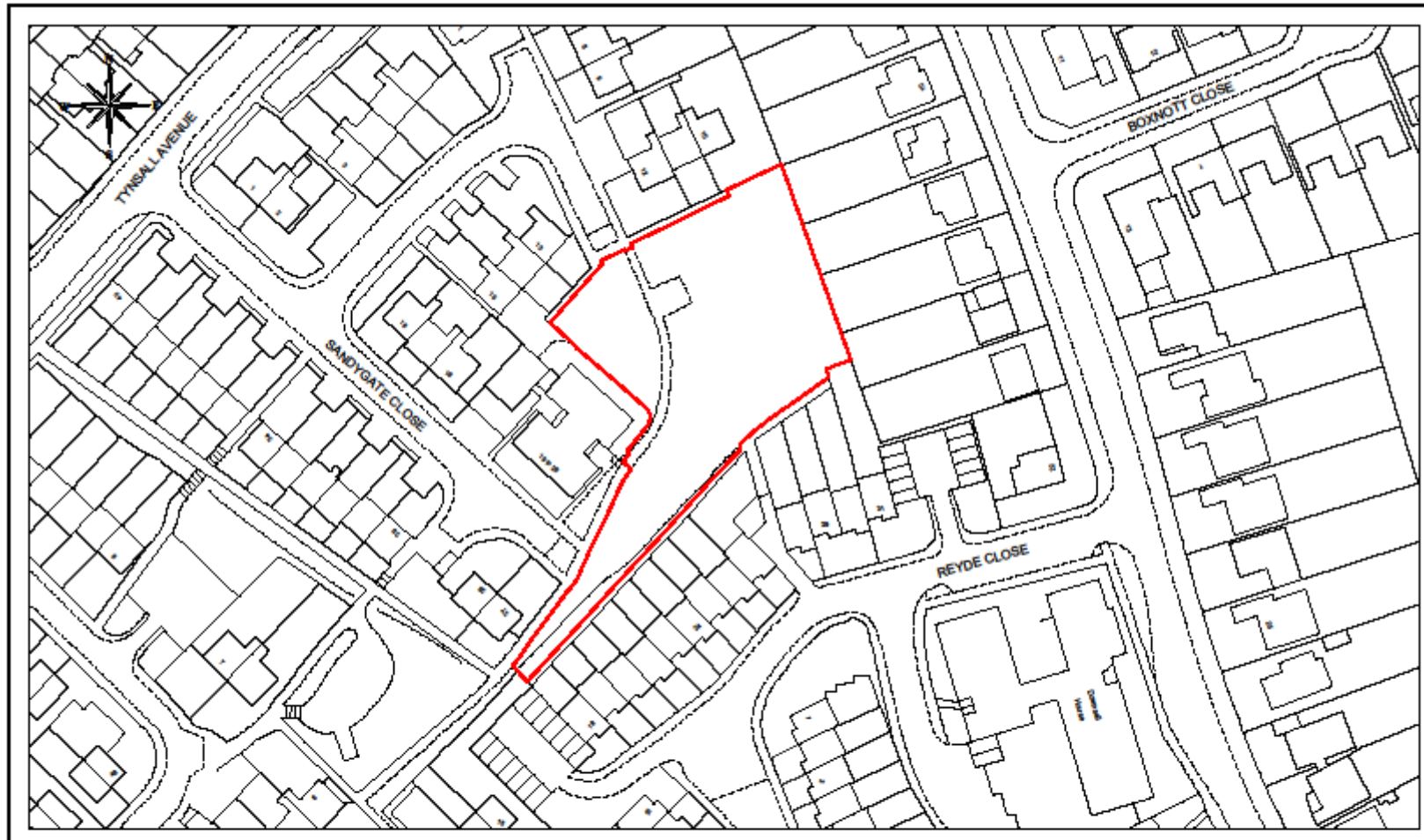
 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing	Ibstock Close, Winyates	P2049/141/9	Surveyed: 08	
		Growth Programme Sites	East		Scale: 1/1000 @ A4	
					Date: Sep 2018	





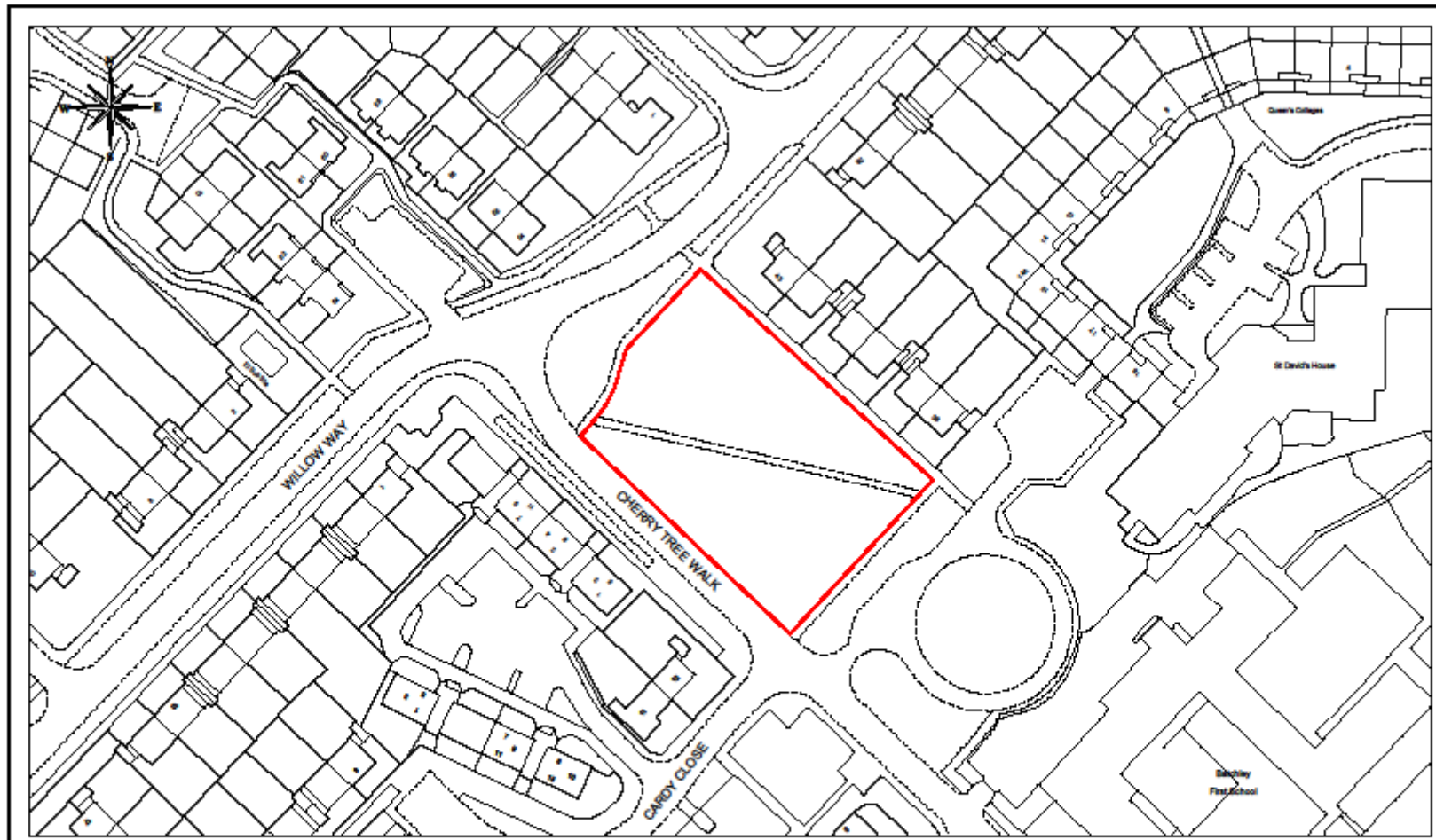
 www.redditchbo.gov.uk	 Bromsgrove District Council www.bromsgrove.gov.uk	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing Growth Programme Sites	Heronfield Close, Church Hill South	P2049/141/11	Surveyed: OS	
					Scale: 1/1000 @ A4	
					Date: Sep 2018	





 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing	Hawthorn Road, Batchley	P2049/141/12	Surveyed: 08	
		Growth Programme Sites			Scale: 1/1000 @ A4	
					Date: Sep 2018	



 <p>www.redditch.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing Growth Programme Sites	Sandygate Close, Webheath	P2049/141/13	Surveyed: 08	
					Scale: 1/1000 @ A4	
					Date: Sep 2018	



 <p>www.redditchbo.gov.uk</p>	 <p>Bromsgrove District Council www.bromsgrove.gov.uk</p>	Project:	Drawing:	Drawing No:	Drawn: PTL	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH <small>© Crown Copyright and database rights 2018 Ordnance Survey 100024257</small>
		Council Housing Growth Programme Sites	Cherry Tree Walk, Batchley	P2049/141/14	Surveyed: OS	
					Scale: 1/1000 @ A4	
					Date: Sep 2018	

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



Licensing Committee

Monday, 5 November 2018

MINUTES

Present:

Councillors Roger Bennett, Joanne Beecham, Pat Witherspoon, Julian Grubb, Pattie Hill, Antonia Pulsford and Yvonne Smith

Also Present:

Officers:

Dave Etheridge

Committee Services Officer:

Sarah Sellers

21. GAMBLING ACT 2005 - CONSIDERATION OF RESPONSES TO CONSULTATION ON REVISED STATEMENT OF PRINCIPLES

Members received a report setting out the outcome of the consultation exercise regarding the Gambling Act 2005 Draft Statement of Principles, and seeking approval of the Revised Draft Statement of Principles attached to the report at Appendix 2.

The Senior Practitioner (Licensing) (SPL), Worcestershire Regulatory Services (WRS) presented the report and advised Members that the current Statement of Principles for the Council had come into force in January 2016. Under the Gambling Act 2005 there was a requirement to renew the Statement of Principles every three years. Accordingly, an updated version would need to be adopted to come into effect no later than 31st January 2019.

It was noted that Members at Licensing Committee had approved a Draft Statement of Principles for consultation purposes on 12th March 2018. The consultation had been sent to the relevant statutory consultees including the police, responsible authorities and other public bodies. The consultation had also been open to members of the public and had been made available on the Council's website and publicised through social media and the local press. The consultation period had run from 4th May 2018 to 27th July 2018.

.....
Chair

Licensing Committee

Monday, 5 November 2018

The SPL summarised the two substantive responses which had been received from the Public Health Team at Worcestershire County Council and a consultant specialising in gambling matters.

The Public Health Team had requested some minor changes to the wording in part 10 of the Statement of Principles. It was noted that this section dealt with engagement between Public Health and the Council with regard to addressing gambling-related harm. The changes had been suggested by Public Health to reflect a firmer commitment to engagement with them in this area. It was confirmed that the changes had been agreed and incorporated into the amended Revised Draft Statement of Principles.

With regard to the second response from the consultant, it was explained that the point raised regarding the need for Basic Disclosure certificates to be provided where unlicensed family entertainment centres were operated by limited companies had been accepted. Accordingly paragraph 19.5 of the Revised Draft Statement of Principles had been amended to require each director of the company to provide a Basic Disclosure Certificate.

Regarding the second paragraph of the response, it was confirmed that the issues referred to had been considered, but officers had decided not to make any changes to the Revised Draft Statement of Principles. In forming that view they had taken into consideration:-

- That the wording of the Revised Draft Statement of Principles would not imply that gambling premises are inappropriate in town centres;
- That Part 10 of the Revised Draft Statement of Principles acknowledged that Public Health is not a responsible authority; and
- That the wording of Part 10 with regard to public health issues was appropriate, and each individual application would be considered on its merits.

RECOMMENDED that

The Revised Draft Statement of Principles at Appendix 2 be approved and published.

The Meeting commenced at 7.00 pm
and closed at 8.07 pm

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**5th November 2018**GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES**

Relevant Portfolio Holder	Councillor G Prosser
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31st January 2016. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore a new Statement of Principles must be published by 31st January 2019.

On 5th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to recommend to Council that the draft revised Statement of Principles be approved and published.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To recommend to Council that the revised draft Statement of Principles at Appendix 2 be approved and published.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.

LICENSING COMMITTEE5th November 2018

- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When revising its Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Service / Operational Implications

- 3.5 Redditch Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31st January 2016 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2019.
- 3.8 Whilst there have been no significant amendments to the provisions of the Gambling Act 2005 itself since the last Statement of Principles took effect, there have been changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with. The Gambling Commission has also updated its Guidance to Licensing Authorities (GLA).
- 3.9 On 12th March 2018, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes.
- 3.10 Consultation on the revised draft Statement of Principles took place with all relevant parties including:
- The Chief Officer of West Mercia Police
 - The Gambling Commission
 - All other responsible authorities identified under the Act

LICENSING COMMITTEE5th November 2018

- Relevant Trade Associations
 - The Public Health Team at Worcestershire County Council
 - Organisations working with people who are problem gamblers
 - Feckenham Parish Council
 - The general public
- 3.11 The consultation was also be made available for comment via the Council's website and publicised via social media and also through the local press.
- 3.12 The consultation exercise began on the 4th May 2018 and remained open for comments until 27th July 2018.
- 3.13 There were two substantive responses received during the consultation from the Public Health Team at Worcestershire County Council, and from a consultant that works for a gambling premises operator who has premises in the licensing authority's area.
- 3.14 The Public Health Team has requested some minor changes to the wording contained in part 10 of the Statement of Principles which relates to Public Health and Gambling in order to provide a firmer commitment to engagement with them in this area. The changes they requested have been incorporated into the draft revised Statement of Principles shown at **Appendix 2**.
- 3.15 The response from the consultant can be seen at **Appendix 1**. In response to the first point raised, the revised Statement of Principles has been amended at paragraph 19.5 to clarify that when an applicant for an unlicensed family entertainment centre is a limited company, a Basic Disclosure certificate will need to be supplied in respect of each director of the company concerned.
- 3.16 In response to the second point raised by the consultant, officers do not believe that the wording of the draft revised Statement of Principles implies gambling premises are inappropriate in town centres. Part 10 specifically acknowledges that Public Health is not a responsible authority. Part 10 recognises the Gambling Commission's view that gambling-related harms should be considered a public health issue and sets out how the licensing authority will engage with public health in order to try and address these harms.
- 3.17 The draft revised Statement of Principles is also clear that in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**5th November 2018

- 3.18 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 2** be approved and published.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2019 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

5. APPENDICES

Appendix 1 – Response from Consultant

Appendix 2 – Draft Revised Statement of Principles

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799

From: Roger [REDACTED]
Sent: 10 May 2018 11:58
To: WRS Enquiries
Subject: Redditch - Consultation on Draft Revised Statement of Principles

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I have submitted representations in response to the consultation by another of the Worcestershire authorities. I respond to this as it is not clear that an objection to one consultation applies to them all. Further, an additional matter occurs to me that requires me to add to my earlier submission of 3 May. I have underlined the new element.

I have 2 comments:-

1. Whilst I have no prospective applicant in mind I have come across the suggestion elsewhere which is at 19.5 in your revised Statement that *'The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.'*

What happens if the applicant is a company?

That is not a circumstance that your policy seems to contemplate.

2. The LCCP and the way in which gambling premises have to be managed (I have in mind AGCs and Bingo premises) with detailed policies in place to identify the vulnerable and exclude them or enable them to exclude themselves means that they can be suitable in most areas without giving rise to problems. They are situated in town centres which are a gathering point for all members of the community and so their management has to take into account the likely presence of problem gamblers in town centres. I am not aware of a problem with Worcestershires gambling premises at the moment.

If, as seems to be implied, gambling premises are deemed inappropriate in areas where the vulnerable are most numerous, in town centres, then that would potentially make the current pattern of premises inappropriate.

In summary, I consider your proposed changes at section 10 will leave the Council to determine licence applications in accordance with the views of your 'public health teams' with insufficient regard being paid to the obligations placed on operators by the LCCP (Gambling Commission - Licence Conditions and Codes of Practice) and the way they conduct their premises. Further, I am concerned at the weight which it seems is to be accorded to the input of the 'public health teams'. It is to be noted that they are not 'Responsible Authorities' which suggests that one should be cautious about according undue weight to their input.

Roger Etchells FRICS
[REDACTED]

This page is intentionally left blank



Town Hall, Walter Stranz Square, Redditch, B98 8AH
Phone: 01905 822799 Email: wrsenquiries@worcsregservices.gov.uk

Gambling Act 2005

Statement of Principles

2019-2022

Contents	Page
Introduction	3
Gambling Act 2005	4
The Gambling Commission	4
Local Area Profile	5
Authorised Activities	5
General Statement of Principles	5
Preventing gambling from being a source of crime and disorder	6
Ensuring gambling is conducted in a fair and open way	7
Protecting children and vulnerable people from gambling	7
Public Health and Gambling	8
Local Risk Assessments	9
Premises licences	10
Responsible Authorities	12
Interested Parties	12
Licence conditions	13
Gaming Machines	14
Gambling in Alcohol Licensed Premises	14
Gambling in Clubs	17
Unlicensed Family Entertainment Centre Permits	21
Prize Gaming Permits	23
Temporary Use Notices	24
Occasional Use Notices	24
Lotteries	25
Exchange of Information	29
Enforcement Protocols	30
Reviews	31
Appendix A – Map of the Borough of Redditch	33
Appendix B – List of Consultees	34

Statement of Principles – Gambling Act 2005

1.0 Introduction

- 1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Borough is approximately 15 miles south of Birmingham. The Council area has a population of 84,300 (2011 Census) and covers an area of around 21 square miles. The population of the Borough has a higher percentage of young people (0 – 15) compared with the rest of the County. There is a very diverse population within the Borough and there are four areas that are within the top 10% most deprived in England.
- 1.2 The Borough of Redditch consists of 2 distinct areas:-
- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
 - An essentially rural area, which includes Astwood Bank, Feckenham, Elcocks Brook and Ham Green.
- 1.3 The Borough and its address districts are shown in the map at Appendix 'A'.
- 1.4 Redditch Borough Council is committed to providing residents with effective and efficient services that not only meet their needs but understand them too. Through considering what really matters to residents the Council has produced a set of six strategic purposes to guide us; they are based on customer demands and data and evidence about the needs of and issues affecting the people of Redditch Borough. The six strategic purposes are set out in the Council Plan. This statement seeks to support the strategic purposes and to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted. The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is shown at Appendix B. The consultation took place between 4th May 2018 and 27th July 2018 in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on 19th November 2018 . Should you have any comments with regards to this policy statement please send them via email or letter to: wrsenquiries@worcsregservices.gov.uk.
- 1.6 This statement must be published at least every three years. The statement may also be reviewed from ‘time to time’ and any amended parts re-consulted upon.

- 1.7 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.
- 1.8 Nothing in this statement takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

2.0 Gambling Act 2005

- 2.1 This statement reflects and aims to support our strategic purposes, as set out in the Council Plan.
- 2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:
- licence premises for gambling activities, including the issue of provisional statements;
 - regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - receive and endorse notices given for the temporary use notices;
 - receive occasional use notices for betting at tracks;
 - register small societies lotteries;
 - maintain public registers; and
 - provide information to the Gambling Commission on issued licences.
- 2.3 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

- 3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.
- 3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 3.3 In addition, the Commission’s role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4 Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority has worked with the other Licensing Authorities in Worcestershire and other partners to develop a “Local Area Profile” for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile takes account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile has been proactive engagement with responsible authorities as well as other organisations in the area that could give input to ‘map’ local risks in the area.
- 4.3 These include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which forms a part of any new licence application, or any application made to vary a licence.
- 4.5 The Local Area Profile is published on the Licensing Authority’s website and will be updated on a regular basis to reflect changes to the local environment. Holders of premises licences will be notified whenever the Local Area Profile is updated.

5. Authorised Activities

- 5.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.
- ‘Gaming’ means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6. General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.

- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7. Preventing Gambling from being a Source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator’s licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person’s suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

8. Ensuring Gambling is conducted in a Fair and Open Way

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

9. Protecting children and vulnerable people from being harmed or exploited by gambling

- 9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 9.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 9.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

- 9.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 9.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.7 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.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 9.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Board for this purpose.

10. Public Health and Gambling

- 10.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 10.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.
- 10.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- 10.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- 10.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.
- 10.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.
- Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

11.0 Local Risk Assessments

11.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

11.2 The Licensing Authority will expect the local risk assessment to consider, for example:

- whether the premise is in an area of deprivation;
- whether the premise is in an area subject to high levels of crime and/or disorder;
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- how vulnerable persons as defined within this Policy are protected.

11.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy and the Local Area Profile.

11.4 Other matters that the risk assessment may include are, for example:

- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
- Where installed, details of CCTV coverage and how the system will be monitored.
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
- The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
- Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
- Provision of signage and documents relating to games rules, gambling care providers.
- The mix of gambling provided.
- Consideration of primary gambling activity and location of gaming machines.

- 11.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary. The Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.
- 11.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 11.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 11.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.
- 11.9 The Licensing Authority expects local risk assessments to be kept under review and updated as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

12.0 Premises licences

- 12.1 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
- 12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.
- 12.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 12.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.
- 12.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The Borough of Redditch was not identified as a suitable location for a casino; consequently the Licensing Authority is currently prevented from granting a Casino Premises Licence.
- 12.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 12.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 12.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 12.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 12.10 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 12.11 The Licensing Authority will only issue a premises licence once the Licensing Authority are satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.
- 12.12 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:
- should the premises be permitted to be used for gambling;
 - can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

- 12.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 12.14 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 12.15 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

13.0 Responsible authorities

13.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible authorities identified are available on our website www.redditchbc.gov.uk, and will be sent on request.

- the Gambling Commission
- the Chief of Police for the area
- Fire & Rescue Service
- Redditch Planning Department
- Environmental Services Department
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs
- Redditch Licensing Department
- any other bodies identified in Regulation by the Secretary of State,
- for vessels, the Environment Agency, Canal and River Trust, Secretary of State.

13.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

14.0 Interested Parties

14.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of the two groups above.

14.2 The Licensing Authority will generally require written evidence that a person/body '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 representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

- 14.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things :
- the size of the premises
 - the nature of the premises
 - the distance of the premises from the person making the representation
 - the identity of the complainant
 - the potential impact of the premises
- 14.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected
- 14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 14.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
 - whether it raises an issue relevant to the licensing objectives, or
 - whether it raises issues specifically to do with the premises which are the subject of the application.
- 15.0 Licence conditions**
- 15.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 15.2 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.
- 15.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to ways in which the licensing objectives can be promoted effectively.

- 15.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machine categories or method of operation;
 - which specify that membership of a club or other body is required; or
 - in relation to stakes, fees, winnings or prizes.
- 15.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

16.0 Gaming Machines

- 16.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos;
 - bingo premises;
 - betting premises, (including tracks);
 - adult gaming centres;
 - family entertainment centres;
 - clubs;
 - pubs and other alcohol licensed premises;
 - travelling fairs.
- 16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.
- 16.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

17 Gambling in Alcohol Licensed Premises

- 17.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.
- 17.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.
- 17.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 17.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 17.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 17.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 17.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 17.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

- 17.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 17.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 17.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 17.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 17.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 17.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 17.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- 17.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 17.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

Exempt Gaming

- 17.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

- 17.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 17.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 17.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 17.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

18 **Gambling in Clubs**

Defining Clubs

- 18.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:
- members' clubs (including miners' welfare institutes)
 - commercial clubs.

This is an important distinction in respect of the gaming that may take place.

- 18.2 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 18.3 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

- 18.4 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 18.5 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 18.6 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 18.7 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 18.8 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 18.9 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 18.10 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 18.11 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.
- 18.12 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 18.13 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 18.14 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 18.15 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 18.16 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 18.17 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 18.18 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.
- 18.19 The Licensing Authority can only refuse an application on the grounds that:
- a) the applicant does not fulfil 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
 - b) the applicant's premises are used wholly or mainly by children and/or young persons
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years
 - e) an objection has been lodged by the Commission or the police.
- 18.20 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.
- 18.21 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.
- 18.22 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.
- 18.23 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.

18.24 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

18.25 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.

18.26 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.

18.27 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.

18.28 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

18.29 Club Gaming Permits and Club Machine Permits will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

18.30 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

18.31 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

18.32 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

18.33 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

- 18.34 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.
- 18.35 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.
- 18.36 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

19 Unlicensed Family Entertainment Centre PermitsIntroduction

- 19.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.
- 19.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

- 19.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.
- 19.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 19.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 19.6 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.

- 19.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 19.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 19.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 19.11 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit.
- 19.12 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
 - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if the company holding the permit ceases to exist, or goes into liquidation.

Renewal of a Permit

- 19.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:
- an authorised local authority officer has been refused access to the premises without reasonable excuse
 - renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.
- 19.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

20. Prize Gaming Permits

- 20.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 20.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

- 20.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 20.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.
- 20.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 20.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 20.7 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions.
- 20.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 20.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 20.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 20.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.

- 20.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 20.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 20.14 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if a company holding the permit goes into liquidation
 - if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 20.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 20.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

21.0 Temporary Use Notices

- 21.1 These 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. The Licensing Authority would 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. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 21.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

22.0 Occasional Use Notices

- 22.1 Occasional use notices relate to particular activities at tracks. The Licensing Authority's only role is to ensure that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

22.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

23. Lotteries

Introduction

23.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.

23.2 An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

23.3 An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

23.4 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

23.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

23.6 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

23.7 Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

- 23.8 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Registration Applications

- 23.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society's principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.
- 23.10 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.
- 23.11 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:
- A list of the members of the society
 - The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
 - A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.
- 23.12 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—
- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
 - an application for an operating licence made by the applicant for registration has been refused.
- 23.13 The Licensing Authority may refuse an application for registration if they think that—
- the applicant is not a non-commercial society,
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
 - information provided in or with the application for registration is false or misleading.
- 23.14 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

23.15 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

23.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

23.17 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

23.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets
- taking action where there are unlawful attempts to purchase tickets.

23.19 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

23.20 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

23.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

23.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:

23.23 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

23.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

23.25 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

23.26 The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

23.27 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

23.28 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

23.29 The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

- 23.30 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.
- 23.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.
- 23.32 The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

- 23.33 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.
- 23.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.
- 23.35 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:
- Whether allowing the registration of the society to continue would be consistent with the Act
 - Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
 - Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

24.0 Exchange of Information

- 24.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- 24.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so, the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that the Licensing Authority holds about them by contacting our Information Management Officer.
- 24.3 The Licensing Authority is committed to being open about what it does and how the Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.redditchbc.gov.uk.

24.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, to be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.

24.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that the Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

25.0 Enforcement Protocols

25.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

25.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.

25.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.

25.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.

25.5 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.

25.6 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based inspection programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.

25.7 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

26.0 Reviews

- 26.1 A review of a premises licence can be requested by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
 - Consistent with the licensing objectives
 - In accordance with our statement of principles.
- 26.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.
- 26.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which the Licensing Authority think is appropriate, including if 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.
- 26.4 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 the statutory consultation period. The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:
- add, remove or amend a licence condition;
 - remove or amend a default condition, such as opening hours;
 - suspend the premises licence for a period not exceeding 3 months;
 - revoke the licence.

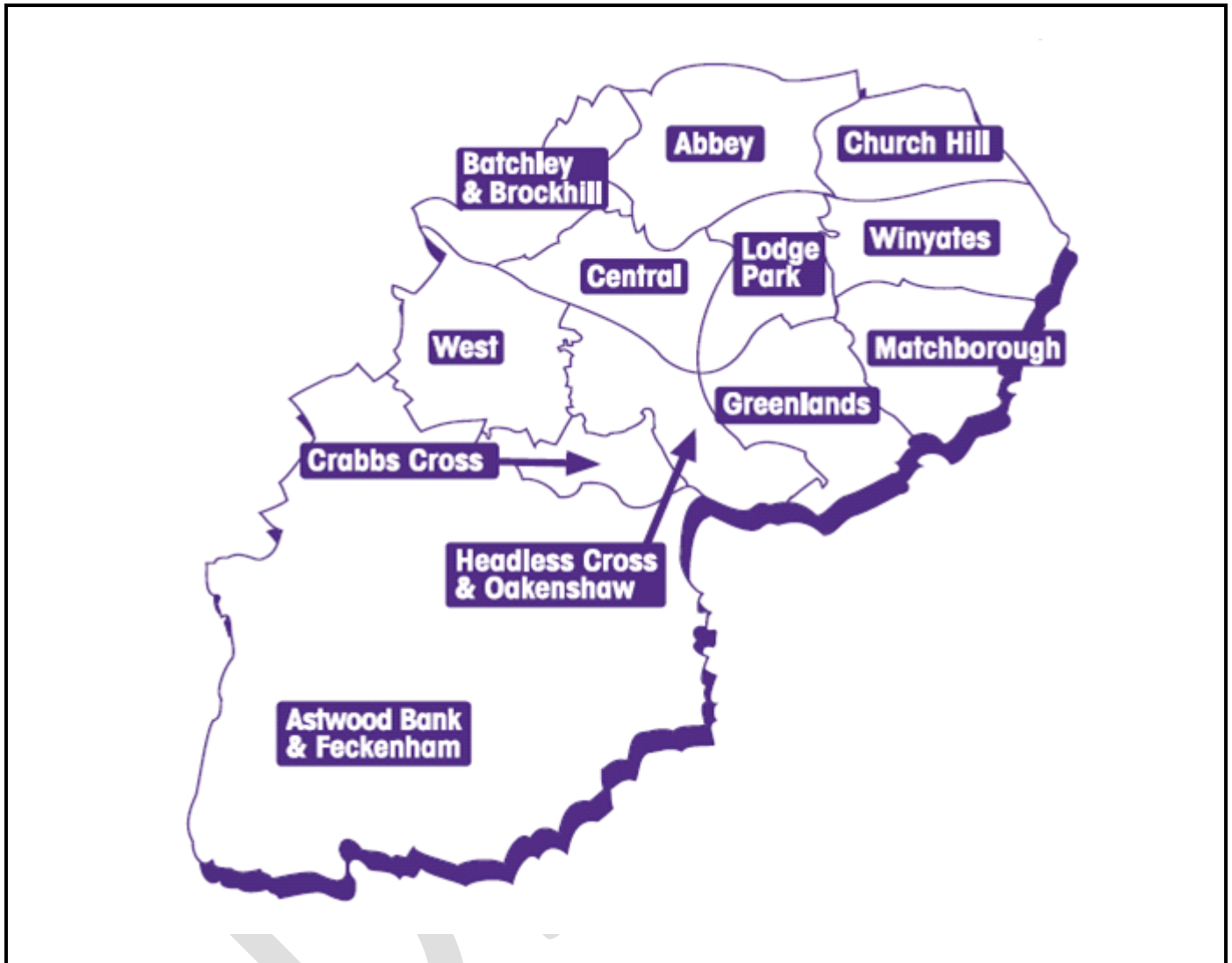
REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT

This statement is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate **unlawful** discrimination.
- **Promoting equal opportunities**
- Promoting community cohesion, **including good relations between people from different racial groups.**
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This statement will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

Redditch Borough Council Boundary



List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

The Director of Public Health

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Association of British Bookmakers

British Amusement Catering Trade Association

Bingo Association

National Casino Forum

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

Council

19th November 2018

POLITICAL BALANCE REPORT.

Relevant Portfolio Holder	N/A
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

1. SUMMARY OF PROPOSALS

- 1.1 This report sets out the proposed political balance of the Council's Committees. Members should note that a decision in respect of this matter is required if the Council agree to introduce a Shareholders' Committee for Rubicon Leisure.
- 1.2 Once the Council has agreed the political balance, the Leaders of each of the Political Groups on the Council can nominate to the places on the Shareholders' Committee. It is not proposed in this report that the membership of the Council's other Committees should be changed.

2. RECOMMENDATIONS

The Council is requested to **RESOLVE** that

- 1) **the political balance of the Committees of the Council be agreed as set out in paragraph 3.5;**
- 2) **the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;**
- 2) **the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;**
- 4) **appointments by political group leaders to the places on the Shareholders' Committee be approved;**
- 5) **the Council appoints a Chair and a Vice-Chair of the Shareholders' Committee.**

3. KEY ISSUES**Financial Implications**

3.1 There are no financial implications arising from this report.

Legal Implications

3.2 With the exception of the Executive Committee, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:

- the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council;
- the Group with the majority of seats on the Council should hold the majority of seats on each Committee.

3.3 The definition of a Political Group for these purposes is that it has a minimum of 2 members. The composition of the Council is 17 Conservative and 12 Labour.

3.4 The Council is able to decide not to allocate places in accordance with political balance and has done this for the Overview and Scrutiny Committee for a number of years. The convention is that the Members who take the majority of seats on the Committee are not from the controlling political group. However, this decision can only take effect if no Councillor votes against it. A similar arrangement has been made for the Crime and Disorder Scrutiny Panel, which is a sub-committee of Overview and Scrutiny Committee.

3.5 The table overleaf shows the political balance based on current sizes of Committees together with the proposed number of members to be appointed to the Shareholders' Committee in accordance with political balance requirements:

REDDITCH BOROUGH COUNCIL**Council**

19th November 2018

Committee	Total places	Conservative Group Places – entitled to 31	Labour Group Places – entitled to 22
Audit, Governance & Standards	9	5 (5.28)	4 (3.72)
Licensing	11	6 (6.45)	5 (4.55)
Planning	9	5 (5.28)	4 (3.72)
Overview and Scrutiny	9	5 (5.28) Take 4*	4 (3.72) Take 5*
Crime and Disorder Panel	5	3 (2.93) Take 2*	2 (2.07) Take 3*
Employment Appeals Committee	5	3 (2.93)	2 (2.07)
Statutory Officers Disciplinary Panel	5	3 (2.93)	2 (2.07)
Appointments Committee	5	3 (2.93)	2 (2.07)
Shareholders' Committee	5	3 (2.93)	2 (2.07)
Total	63	Mathematical calculation results in-36 places (Take 34 where political balance rules are suspended for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel).	Mathematical calculation results in 27 places. (Take 29 where political balance rules are suspended for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel).

* Members are asked to note that if, as in May 2018, Members choose to suspend the political balance arrangements for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel these will be the allocated places.

Service / Operational Implications

- 3.6 Once the Council has agreed the allocation of seats to the main Committees, the leaders of each political group will nominate members to be appointed to

the Shareholders' Committee. It is planned to have a list of the nominations available for noting at the Council meeting.

Customer / Equalities and Diversity Implications

3.7 There are no specific implications arising from this report.

4. RISK MANAGEMENT

There are no specific high level risks arising from this report.

5. APPENDICES

None

6. BACKGROUND PAPERS

Committee Appointments Report, 21st May 2018.
Political Balance Report, 17th September 2018

AUTHOR OF REPORT

Name: Jess Bayley

Email: jess.bayley@bromsgroveandredditch.gov.uk

Tel.: 01527 64252 Ext: 3268