



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 1ST DECEMBER 2021

AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, R. E. Jenkins, H. J. Jones, A. D. Kent, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

AGENDA

WELCOME

1. **To receive apologies for absence**

2. **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.

3. **To confirm the accuracy of the minutes of the meeting of the Council held on 3rd November 2021 (Pages 1 - 16)**

4. **To receive any announcements from the Chairman and/or Head of Paid Service**

5. **To receive any announcements from the Leader**

6. **To receive comments, questions or petitions from members of the public**

A period of up to 15 minutes is allowed for members of the public to make a comment, ask questions or present petitions. Each member of the public has up to 3 minutes to do this. A councillor may also present a petition on behalf of a member of the public.

7. **Urgent Decisions**

8. **Recommendations from the Licensing Committee meeting held on 15th November 2021** (Pages 17 - 68)

At a meeting of the Licensing Committee held on Monday 15th November 2021 Members considered and agreed a recommendation on the Gambling Act 2005 - Statement of Principles. This recommendation, together with the report to Committee on this subject, have been attached for Council's consideration.

9. **Recommendations from the Cabinet** (to follow)

To consider the recommendations from the meeting of the Cabinet held on 24th November 2021.

10. **Background Information on the recommendations from the Cabinet**

(i) Financial Outturn 2020/21 Report (Pages 69 - 76)

11. **To note the minutes of the meeting of the Cabinet held on 24th November 2021** (to follow)

12. **Questions on Notice** (to follow)

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

A period of up to 15 minutes is allocated for the asking and answering of questions. This may be extended at the discretion of the Chairman with the agreement of the majority of those present.

13. **Motions on Notice** (to follow)

A period of up to one hour is allocated to consider the motions on notice. This may only be extended with the agreement of the Council.

14. **To consider any urgent business, details of which have been notified to the Head of Legal, Democratic and Property Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting**

15. **To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-**

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph</u>	
16	3	"

16. **Minutes of the Meeting of the Cabinet held on 24th November 2021 - Exempt Minute (to follow)**

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

23rd November 2021

K. DICKS
Chief Executive

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

**Parkside, Market Street, Bromsgrove, B61 8DA
Tel: (01527) 64252 Ext: 3072
Email: jess.bayley-hill@bromsgroveandredditch.gov.uk**

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at the local authority.

Please note that this is a public meeting.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Council meeting, Members are strongly encouraged to consider taking a lateral flow test, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member must not attend the Committee meeting, should provide their apologies to the Democratic Services team and must self-isolate in accordance with national rules.

Members and officers are strongly encouraged to wear face coverings during the Council meeting, unless exempt. Face coverings should only be removed temporarily if the Councillor/ officer requires a sip of water and should be reapplied as soon as possible. Refreshments will not be provided by the venue, therefore Members and officers are encouraged to bring your own supply of water.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and windows and doors kept open when in public session. Members and officers are advised to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE

Members of the public are able to access meetings of Council in person if they wish to do so. However, due to social distancing requirements to ensure the safety of participants during the Covid-19 pandemic, there will be limited capacity and members of the public will be allowed access on a first come, first served basis. Members of the public in attendance are strongly encouraged to wear face coverings, to use the hand sanitiser that will be provided and will be required to sit in a socially distance manner at the meeting. It should be noted that members of the public who choose to attend in person do so at their own risk.

In line with Government guidelines, any member of the public who has received a positive result in a Covid-19 test on the day of a meeting must not attend in person and must self-isolate in accordance with the national rules.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded from the meeting.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

3RD NOVEMBER 2021, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, R. E. Jenkins (From Minute Item No. 52/21), A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank and P. J. Whittaker

Officers: Mrs. S. Hanley, J Howse, Mrs. C. Felton,
Mrs. R. Bamford and Mrs. J. Bayley-Hill

43\21 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors S. Baxter, A. Beaumont, A. Kent, J. King, R. Laight and S. Webb. Council was also advised that Councillor R. Jenkins would be arriving late.

In the absence of both the Chairman and the Vice Chairman, Councillor H. Jones was nominated as Chairman for the meeting.

44\21 **DECLARATIONS OF INTEREST**

Councillors C. Hotham, A. Kriss, M. Middleton, P. Thomas and J. Till declared pecuniary interests in Minute Item No. 52/21 – Recommendations from Cabinet – Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 – due to their position, or their spouse's position, as private sector landlords. They left the room during consideration of this item and took no part in the debate or vote thereon.

45\21 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 29TH SEPTEMBER 2021**

The minutes of the Council meeting held on 29th September 2021 were submitted.

RESOLVED that the minutes of the meeting of Council held on 29th September 2021 be approved as a true and correct record.

46\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

Members were advised that, since the previous meeting of Council, the Chairman's consort, Mrs Lynne Laight, had passed away. In addition, Members were informed that former District Councillor, Alan Dent, had

also passed away. Members paid their respects by observing a minute's silence in their memory.

The Deputy Chief Executive confirmed that there were no announcements on behalf of the Head of Paid Service on this occasion.

47\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader confirmed that she had no announcements to make on this occasion.

48\21 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

Council was informed that no comments, questions or petitions had been received from the public for consideration at the meeting.

49\21 **URGENT DECISIONS**

Members were advised that two urgent decisions had been taken since the previous meeting of Council, on the subject of the Worcestershire Business Rates Pool and the Waste Collection crew. These urgent decisions had been published on the Council's website and were not subject to debate at the meeting.

During consideration of this item, concerns were raised about the frequency with which urgent decisions were taken at the Council. Whilst it was recognised that urgent decisions had been necessary during the lockdown period of the Covid-19 pandemic, it was commented that, following the return to meetings in person, it should be easier to arrange for decisions to be taken at Council meetings. Officers were urged to consider the frequency with which urgent decisions occurred and Members were asked to note that there might be a need to hold more frequent meetings of Council in order to reduce the need for urgent decisions.

50\21 **RECOMMENDATION FROM THE CONSTITUTION REVIEW WORKING GROUP**

The Portfolio Holder for Finance and Enabling presented a report detailing the background to a recommendation that had been made at a recent meeting of the Constitution Review Working Group. Members were advised that the group had discussed the membership arrangements for the Climate Change Working Group during this meeting. The subject had been discussed, following comments at the previous Council meeting raising concerns about the performance of the Climate Change Working Group. There was recognition that the Climate Change Working Group needed to be effective, due to the importance of taking action to tackle climate change. The Constitution Review Working Group had concluded that a change to the membership of the Climate Change Working Group, to ensure that this reflected, though did

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not form part of the formal political balance at the Council, would help to ensure that the group worked effectively.

During the Constitution Review Working Group meeting, reference had also been made to the terms of reference for the Climate Change Working Group. Members had suggested a number of changes that could be made to strengthen the work of the Climate Change Working Group, including a restriction on the number of times a member of the group could send a substitute to attend meetings in his/her absence. The Climate Change Working Group would be reviewing its terms of reference at the next meeting of the group and all of the suggestions that had been made by members of the Constitution Review Working Group would be considered at that meeting.

Council subsequently discussed the proposal to change the membership of the Climate Change Working Group in some detail. Members commented that during the international COP26 summit the Council needed to demonstrate its commitment to tackling climate change. Concerns were raised by some Members about the effectiveness of the Climate Change Working Group to date and it was suggested that action needed to be taken to improve the output from this group in order to have a constructive impact on tackling climate change moving forward. The Climate Change Working Group had existed for 2 years but recommendations had only been made by the group relatively recently. It was suggested that a change to the membership of the group might help to ensure that recommendations were brought forward more frequently in future.

However, concerns were also expressed by some Members about the proposed changes to the membership of the Climate Change Working Group. It was noted that attendance at meetings of the group had varied over time, but some Members had consistently attended meetings and suggested items for discussion. The suggestion was made that, whilst action needed to be taken to improve the performance of the Climate Change Working Group, the proposed action would not necessarily result in the outcomes intended.

Members noted that a reduction in the total number of members of the Climate Change Working Group to 9 Councillors would inevitably result in a reduction in the number of Members from opposition groups who could serve on the Working Group, as only one member would be appointed from each of these groups. However, it was confirmed that interested Members who were not appointed to the Climate Change Working Group would be permitted to attend meetings to observe proceedings.

During consideration of this item, questions were raised about the rationale for proposing that there should be 9 Members in total appointed to the Climate Change Working Group. The suggestion was made that there should be greater flexibility in terms of the total number of Councillors appointed to the group. In addition, some Members

questioned the need to set the membership of the Climate Change Working Group to reflect the political balance, given that this was not a legal requirement for informal working groups.

In accordance with Procedure Rule 18.3 a recorded vote was taken and the voting was as follows:

Members voting FOR the resolution:

Councillors R. Deeming, G. Denaro, M. Glass, S. Hession, R. Hunter, A. Kriss, K. May, M. Middleton, S. Robinson, M. Sherrey, C. Spencer, P. Thomas, M. Thompson, J. Till and P. Whittaker (15).

Members voting AGAINST the resolution:

Councillors S. Colella, S. Douglas, A. English, L. Mallett, P. McDonald, H. Rone-Clarke and K. Van Der Plank (7).

Members voting to ABSTAIN on the resolution:

Councillor C. Hotham (1).

RESOLVED that the membership of the Climate Change Working Group should be amended to reflect the political balance and there should be a total of 9 Members appointed to the group.

51\21

OVERVIEW AND SCRUTINY BOARD MEMBERSHIP

The Leader confirmed that Councillor H. Jones had been appointed to the vacant position for the Conservative Group arising from Councillor M. Thompson's appointment to the Cabinet. In addition, Councillor M. Glass had been appointed as a named substitute for the Board in place of Councillor S. Hession.

During consideration of this item, reference was also made to the membership of the Planning Committee. The Leader advised that Councillor C. Spencer was being appointed to the Committee to replace Councillor S. Hession. Members were also advised that Councillors M. Glass, A. Kriss and M. Thompson were being added to the Conservative Group's list of named substitutes for the Committee. In addition, Councillor R. Hunter informed Council that he was being appointed as an additional named substitute for the Liberal Democrat Group on the Planning Committee.

52\21

RECOMMENDATIONS FROM THE CABINET

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

The Portfolio Holder for Finance and Enabling Services presented a report on the subject of the Electrical Safety Standards in the Private

Rented Sector (England) Regulations 2020. Members were advised that this recent legislation introduced a requirement for all privately rented properties to have an electrical installation safety check every 5 years, similar to the requirement already applicable to Houses of Multiple Occupation (HMOs). Under the terms of the legislation, landlords were required to have undertaken a safety check by 1st April 2021. Where the safety check identified any failure of electrical safety standards, the landlord was required to notify the local authority, to provide a copy of the report and to submit evidence demonstrating that they had addressed the issues within 28 days of the failures being identified. Members were informed that, to date, this appeared to be taking place as required.

The legislation included the provision to impose penalty charges for non-compliance by landlords in addition to the local authority undertaking work in default if necessary. The penalty charge structure that had been proposed by Officers would be for landlords to pay £1,000 for a first offence and £3,000 per offence for any subsequent offences. This penalty charge structure had been determined in conjunction with other Worcestershire authorities as a level sufficient to present a deterrence to non-compliance but unlikely to justify an appeal. Members were advised that the Government had set a maximum charge that could be levied in instances where a portfolio landlord who would be expected to be informed of statutory standards applying to rented accommodation, or engaging reputable agents for managing their properties, had consistently failed to address electrical safety in a number of their properties. The fee proposed for subsequent offences by Officers would be proportionate in cases involving a single property or a small portfolio landlord failing in his or her legal duties and who were less likely to risk further breaches.

The recommendation detailed in the report was proposed by Councillor G. Denaro and seconded by Councillor M. Sherrey.

Members subsequently discussed the report and in so doing welcomed the introduction of a change in legislation that would have a positive impact on the safety of tenants in the private rented sector.

During consideration of this item, an amendment was proposed by Councillor R. Hunter which was seconded by Councillor S. Robinson. The amendment was as follows:

“Instead of capping the penalty for second offences at £3,000 the Council should set a cap of £29,000.”

In proposing the amendment, Councillor Hunter explained that he was concerned that Officers were proposing to cap the charge for later offences at £3,000 when the legislation permitted Councils to charge up to £30,000. The charges would be levied against landlords who had been found guilty of serious breaches of electrical safety standards. This had implications for the safety of tenants in their homes. Councillor

Hunter commented that a recent National Housing Survey had found that 30% of houses in the private rented sector in the country had serious electrical safety issues and if these figures were similar at the local level this was very concerning. It was acknowledged that there were many good landlords in the private rented sector but the higher charge would not impact on these landlords. The lower fee level for first offences also appeared to be reasonable at £1,000. However, Councillor Hunter concluded that a penalty charge capped at £29,000 for subsequent offences would act as more of a deterrent to landlords who did breach safety standards than a charge of £3,000.

Council subsequently discussed the proposed amendment in detail and in the process, questions were raised about the reasons why the authority would not choose to cap the charge for serial offences at close to the legal limit of £30,000. Members noted that action that could be taken to encourage landlords to ensure their properties were compliant with electrical safety standards was important as this had implications for the safety of residents.

On being put to the vote the amendment was carried.

The original proposal having been proposed and seconded and the amendment carried, the Chairman's decision to move to the next item of business without further debate confirmed that the original proposal, incorporating the amendment as carried, was taken and agreed.

RESOLVED that, subject to capping the penalty for second offences at £29,000, the proposed financial penalty charges for non-compliance are adopted and the respective enforcement powers of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 are delegated to the Head of Community and Housing Services.

(Prior to consideration of this item, Councillors C. Hotham, A. Kriss, M. Middleton, P. Thomas and J. Till declared pecuniary interests due to their position, or their spouse's position, as private sector landlords. They left the room and took no part in the debate or vote thereon.)

Mobile Homes Act 2013 – Introduction of Licensing Fees

The Portfolio Holder for Finance and Enabling presented a report detailing the proposed introduction of licensing fees under the Mobile Homes Act 2013. Members were informed that there was a licensing duty in respect of mobile home parks. The Council, as the licensing authority, incurred costs in relation to the licensing regime, including action taken in respect of compliance. The licensing fees would help to cover the costs of the work undertaken by the Council in respect of this matter and help provide Officers with the power to take action on licence conditions.

During consideration of this item, concerns were raised about the fees that would be paid by mobile home residents living on smaller mobile

home park sites and the potential for annual inspection fees to be passed down to residents. Members commented that this would represent an additional fee for residents who would already be paying for utilities and potentially Council Tax contributions. In this context, it was suggested that it might be appropriate only to charge mobile homes a fee where sites consisted of 4 or more homes, so that the costs could be shared. However, Members were informed that the costs were not due to be passed down to residents in mobile homes. In addition, the Council often had to spend more time working on compliance issues associated with smaller sites than at large mobile home parks, which were managed by experienced management companies and that tended to be familiar with regulatory requirements.

The recommendations were proposed by Councillor G. Denaro and seconded by Councillor M. Sherrey.

RESOLVED that

- (1) the Mobile Home Fee Structure is approved and implemented to all relevant sites throughout Bromsgrove District reviewed on an annual basis; and
- (2) the recovery of expenses through enforcement action is approved and implemented to all relevant sites throughout the District.

Bromsgrove District Council's Duty to Co-operate Statement with Solihull

The Portfolio Holder for Leisure, Cultural Services and Community Safety presented a report on the subject of Bromsgrove District Council's Duty to Co-operate Statement of Common Ground with Solihull Metropolitan Borough Council. The report detailed the implications of the Solihull Local Plan for Bromsgrove District and the response that had been provided by Bromsgrove District Council. This included raising concerns about the impact of developments proposed in the Solihull Local Plan on parts of Bromsgrove District, particularly the infrastructure implications in Wythall. Solihull Metropolitan Borough Council had accepted many of the points raised by Bromsgrove District Council and these had been raised with the Planning Inspector.

The recommendation was proposed by Councillor P. Thomas and seconded by Councillor K. May.

RESOLVED that the Statement of Common Ground is signed by the Leader of the Council and submitted to Solihull Metropolitan Borough Council.

Bromsgrove District Council's Approach to the Draft Black Country Plan

The Portfolio Holder for Leisure, Cultural Services and Community Safety presented a report detailing the Council's approach to the draft

Black Country Plan. The Draft Black Country Plan had been developed for a number of Councils based in the Black Country region. Bromsgrove District Council had considered the housing development proposals recorded in the plan as well as the implications for Bromsgrove District. This had included comments regarding the infrastructure implications of a development north of the District's border, close to Hagley. Bromsgrove District Council had concluded that further work was needed on the plan to address these concerns.

The recommendation was proposed by Councillor P. Thomas and seconded by Councillor K. May.

RESOLVED that the Council endorses the officer response to the Draft Black Country Plan and that it is confirmed with the Black Country Authorities as such.

Catshill and Marlbrook Neighbourhood Plan Adoption

The Portfolio Holder for Leisure, Cultural Services and Community Safety presented the Catshill and Marlbrook Neighbourhood Plan for Members' consideration. Council was advised that this represented the last stage of the neighbourhood plan adoption process. The draft neighbourhood plan had previously been considered and endorsed by Cabinet earlier in 2021. The examiner had considered the content of the draft plan and had been satisfied, subject to a few minor amendments. The neighbourhood plan had subsequently been the subject of a local referendum in which 88% of electors had voted in support of using the plan. Members thanked the local residents who took part in the referendum for their support together with Catshill and North Marlbrook Parish Council for their hard work on developing the neighbourhood plan.

During consideration of this item, reference was made to the next stage in the process, in terms of the adoption of the Catshill Neighbourhood Plan. Members were informed that, subject to Council agreement to adopt the plan, the plan would start to be enacted.

The recommendation was proposed by Councillor P. Thomas and seconded by Councillor J. Till.

RESOLVED that the Catshill and North Marlbrook Parish Neighbourhood Plan be 'made' (formally adopted) immediately, in accordance with the relevant legislation.

53\21

TO NOTE THE MINUTES OF THE MEETING OF THE CABINET HELD ON 20TH OCTOBER 2021

The minutes of the Cabinet meeting held on 20th October 2021 were noted.

During consideration of this item, reference was made to Minute Item No. 27/21, concerning the debate in respect of Bromsgrove District Council's Approach to the Draft Black Country Plan. Questions were raised about whether this minute provided clarity about the debate at Cabinet in respect of the Council's response to the black country authorities, especially in relation to the proposed development outside the District's borders, north of Hagley. Members were advised that the Cabinet minutes had not yet been approved by the Cabinet and the accuracy of the minutes would need to be discussed at Cabinet.

54\21

QUESTIONS ON NOTICE

The Chairman explained that 9 Questions on Notice had been received for consideration at the meeting. These questions would be considered in the order in which they had been received. There would be no supplementary questions.

Question submitted by Councillor P. McDonald

"How many employees are being paid less than the Living Wage Foundation's £9.50?"

The Portfolio Holder for Finance and Enabling responded by explaining that the Council paid the Foundation Living Wage, which was set at £9.50 per hour. There were no employees who were being paid less than £9.50, other than one apprentice post, which was being paid at the appropriate apprentice rate for the age of the employee. This was in line with the national apprentice pay rates.

Question submitted by Councillor C. Hotham

"This council has five strategic purposes. Three make no mention of climate change. Of the remaining two, there is a brief mention of making recycling easier and improving home energy efficiency. There is also a brief vague mention of a "green thread" running through council policy. I don't think this now demonstrates sufficient commitment to fighting climate change. We have a newly appointed Climate Change Cabinet Member, a climate change working group and a general strong consensus across the council that time is running out and that now is the time to act.

Does the Climate Change Cabinet Member agree with me that tackling climate change should become a strategic purpose of this council in its own right and will he undertake to make sure this happens?"

The Portfolio Holder for Climate Change commented that he was delighted that the importance of climate change had been highlighted. The Council had agreed that the 'green thread' should run throughout the Council Plan, as it was not something that stood on its own. Responsibility for climate change cut across all services and portfolios and was something that everyone had responsibility for, as opposed to

being a distinct stand-alone purpose. In this respect, the Portfolio Holder for Climate Change had a co-ordinating role across all of the strategic purposes.

The Council was fully committed to the authority's climate change duties and as such the Portfolio Holder for Climate Change invited Councillor Hotham to highlight this again when the Council Plan was due a review in a year's time.

Question submitted by Councillor S. Baxter

"Please could the leader provide an update on the redistribution of the many surplus Council ipads to schools."

The Leader responded by commenting that in April 2021, contact was made with Worcestershire Children First, which was responsible for the delivery of services to children and young people in Worcestershire. Worcestershire Children First were offered Members' old ipads for distribution amongst children attending local schools. In response, the Council was advised that there was no scheme operated for this purpose by Worcestershire Children First. However, they suggested that contact be made with the social enterprise NewStarts about donation of the equipment, as NewStarts operated a recycling scheme where they repurposed donated laptops. Following consultation with the Leader, it was subsequently determined that the ipads would be donated to NewStarts for this purpose and this occurred in early June 2021.

Question submitted by Councillor S. Robinson

"Bus Shelters

Please could the cabinet member update council on its bus shelter improvement programme and advise us what are the implications of the county council's plan to adopt district owned shelters? Will all our shelters be transferred and will the improvements BDC budgeted for this year still go ahead?"

The Portfolio Holder for Environmental Services explained that it was understood that the County Council were considering taking responsibility for bus shelters across the County. However, Bromsgrove District Council had not received a formal approach from Worcestershire County Council on this subject. Therefore, the Engineering and Design Team were continuing with the programme and had just procured a contractor to supply the new bus shelters. Work on site for preparation of the first 4 bus shelters was scheduled to start before Christmas, weather permitting, and would be carried out by the Council's Minor Works Team and the authority's Civil Engineering contractor. Work on a further 4 bus shelters would then be undertaken between January and March 2022, weather permitting. A small number of other sites might be replaced during the financial year if the budget allowed."

Question submitted by Councillor R. Hunter

“Swimming Pools

A recent report by Swim England called ‘A Decade of Decline: The Future of Swimming Pools in England’ reveals the shocking potential for a huge reduction in the availability of public swimming pools nationally by the end of the decade. It predicts that the number of public pools in England could fall by as much as 40 percent, the equivalent of almost 2,000 pools. What reassurance can you offer this council that the future provision of public swimming in Bromsgrove is in safe hands and that we will not see local services diminished as part of this worrying national trend?”

The Portfolio Holder for Leisure, Cultural Services and Community Safety advised that consultants were in the process of developing a leisure strategy for the Council. Amongst other things, the information compiled to inform this strategy, would include an understanding of the provision of and demand for swimming facilities available to residents. It was important to note that Bromsgrove town was very fortunate to have a modern, recently constructed swimming provision. This was in contrast to many of the swimming pools in England referred to in the “decade of decline” document. In addition, Council had worked cross party throughout the pandemic and beyond to ensure that these facilities were sustainable and continued to deliver the very best for the residents of the District at a time when their health and well-being was so important.”

Question submitted by Councillor J. King

“What practical support is this council offering to the 5,000 low income Universal Credit claimants in this district who became £20 a week poorer in October?”

The Portfolio Holder for Finance and Enabling responded by explaining that the benefits section at Bromsgrove District Council were committed to supporting residents who were struggling financially both in the short and long term. The Council had a dedicated Financial Independence Team (FIT) who could help with a number of areas of support (for example income maximisation, benefit take up, budgeting advice as well as being able to signpost to other specialist agencies and partners.)

The authority administered a range of benefits to support residents: Housing Benefit, Council Tax Support, Discretionary Housing Payments and Council Tax Hardship Payments. The Council also had an Essential Living Fund (ELF) scheme which could help with a wide range of costs such as utility costs, food parcels and supermarket vouchers.

Further details and contact information were provided in a leaflet entitled “Income Extra”, a copy of which would be circulated to all Members after the meeting.

Question submitted by Councillor K. Van Der Plank

“Please can we have an update on the new mobile CCTV cameras that were promised to help tackle fly tipping. What other measures have been introduced to tackle fly tipping since the motion we passed in 2019 and how many convictions have we now had?”

The Portfolio Holder for Environmental Services explained that she would respond to the question in two parts.

Firstly, in terms of the update on new mobile CCTV cameras to help tackle fly tipping, she confirmed that these were purchased at the start of the financial year and had been used successfully at several of the hotspot locations in the District so far. They were rotated around based on where the most active locations were. The Council was reviewing future enforcement arrangements and expected to be submitting a bid for funding to purchase additional cameras to build on this in 2022.

Secondly, in relation to other measures to tackle fly tipping since 2019 and the number of convictions, Members were informed that the Council was part of a North Worcestershire bid via the partnership for funding from the West Mercia Police and Crime Commissioner to support landowners with fly tipping on private land over the following two years. This would involve a media campaign, bespoke signage, education on how to deter this type of activity, and a number of additional cameras to support direct monitoring and catch those responsible. The Council was anticipating that a decision would be announced on this shortly.

The Council had significantly increased signage across the District, including the main gateways into the area from the North and North East, in order to deter those coming from outside of the District to dump fly tipped items. So far during the 2021/22 financial year, the Council had issued 12 Fixed Penalty Notices (FPNs) for fly-tipped waste using footage from these cameras and had several cases that were being worked up and progressed through the Courts for prosecution. The Council was working up a press campaign to publicise this as an additional deterrent for others considering fly tipping in the District and any unpaid FPNs would be escalated through the Court Process as required.

Fly Tipping numbers had reduced across the District on average by 100 per month in comparison with 2020, and the Council had also seen changes in behaviour around fly tipping that supported the view that many of those responsible were aware of the increased scrutiny

Question submitted by Councillor A. English

“Could we please have an update on the Government grant for insulating park homes? How much did BDC receive and how many homes have been insulated as result?”

The Leader advised that the Council, as part of a consortium with the five other local authorities in Worcestershire, had applied for funding from the Green Homes Grant Scheme – Local Authority Delivery phase 1a scheme (LADs 1a). The Department for Business, Energy and Industrial Strategy (BEIS) advised that the consortium was successful in its application on the 1st October 2020, with all works and claims to be made by the 31st October 2021.

The Council's proposal was to undertake external wall insulation (EWI) to park homes within the District where occupiers met the eligibility criteria and Bromsgrove District Council was able to claim up to a maximum of £439,150 capital and £9,000 revenue for the delivery of works. This was a complex proposal requiring the Council to procure, through a compliant tender, a Trustmark registered contractor and a managing agent, both of whom were required to be in place to deliver the scheme. Due to the Covid-19 lockdown, there were a number of factors which presented as challenges, including supply chain issues, and difficulties in securing the availability of suitable tradespersons. The timeframes within which the works had to be completed and validated claims lodged resulted in the number of park homes completions not meeting the expected spend.

One park home site was selected in order that time and materials could be used most efficiently, and the scheme was able to complete and fund EWI and ancillary works to 16 park homes. The costs of the capital and ancillary works which the Council claimed for was £216,868.37 capital and also £9,000 for the project delivery costs. This equated to 49% of the available funding being claimed and received. It had been confirmed that this underspend was comparable with the other Worcestershire local authorities' claims, and also nationally for LADS 1a.

Question submitted by Councillor H. Rone-Clarke

“Given that Bromsgrove prides itself on its ‘night-time economy’, the rise in incidents of spiking, particularly and disturbingly, with needles should concern us all greatly. What steps can BDC take to regulate against these attacks and will the leader commit to them now?”

The Leader responded by commenting that Bromsgrove was proud of its diverse night-time economy which served residents of the town and people from further afield. The allegations that had been made in some of the larger cities were concerning but the Leader explained that West Mercia Police had advised that there were no confirmed cases of drink spiking involving needles or otherwise in Bromsgrove. One allegation (not involving needles) was made several weeks ago but this had not been confirmed. West Mercia Police took any such allegations seriously and would investigate thoroughly. Members were asked to encourage any resident with information about such offences or, in the case of a resident believing they had been a victim of drink spiking, to report it to West Mercia Police as soon as possible and in an emergency to dial 999.

With regard to steps Bromsgrove District Council could take, the Leader had been advised by the Licensing Team at Worcestershire Regulatory Services (WRS) that this issue had been raised at Bromsgrove Pubwatch and that all members of the group had been asked to be particularly vigilant in relation to this concerning activity. Also, via Safer Bromsgrove and the Town Centre Management Group, all agencies and bodies engaged with the night time economy, including operators, were fully alive to this issue and were actively monitoring and discussing various prevention opportunities. Whilst there had been no confirmed cases of spiking in the District partners were not complacent and were working closely with premises' license holders and their designated premises supervisors to ensure all reasonable steps were being taken to prevent this practice, as part of their duty to prevent crime and disorder under the Licensing Act 2003.

Members were reminded that the Licensing Act and its associated regime were designed to be permissive so, in the absence of evidence, the Council and other partners in their roles as responsible authorities could not apply blanket conditions to premises without evidence of issues specifically arising there. Officers of the Council and their colleagues at West Mercia Police would continue to encourage businesses to take steps to limit the potential impact of this national concern and any further allegations would be subject to considerable scrutiny by all relevant agencies.

55\21

MOTIONS ON NOTICE

The Chairman explained that prior to Council the Group Leaders had met to discuss the Motions. Group Leaders had agreed that the first Motion submitted for Members' consideration by Councillor H. Rone-Clarke should be referred to the Monitoring Officer and would not be debated during the meeting. In addition, Group Leaders had agreed that the second Motion submitted by Councillor S. Robinson would be referred to the Finance and Budget Working Group for discussion as part of the budget setting process and would not be debated at the meeting. Consequently, there were no Motions to debate at the meeting.

56\21

TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE HEAD OF LEGAL, DEMOCRATIC AND PROPERTY SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING

The Chairman advised that Councillor C. Hotham had requested that Council should consider an item of urgent business in respect of the discharge of sewage into waterways. In line with the constitution requirements, advice had been taken from officers and whilst there were concerns regarding the recent reports that sewage might be entering the

Agenda Item 3

Council
3rd November 2021

District's waterways and the impact that this might have on the people and wildlife of the District, the responsibility for this function fell to a number of external agencies.

Therefore, Councillor Hotham had been advised that Officers from the Council and North Worcestershire Water Management would urgently establish a multi-agency review into the issues that had been identified.

The meeting closed at 7.38 p.m.

Chairman

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LICENSING COMMITTEE – 15th NOVEMBER 2021

RECOMMENDATIONS TO THE COUNCIL – 1st DECEMBER 2021

GAMBLING ACT 2005 –REVIEW OF STATEMENT OF PRINCIPLES

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

At the meeting of the Licensing Committee on 12th July 2021, Members considered a report and approved the draft revised Statement of Principles for the purpose of consultation. The results of the consultation were reported back to Licensing Committee Members at the meeting held on 15th November 2019, as detailed at **Appendix 1**.

Licensing Committee Members were asked to consider the results of the consultation and the draft revised Statement of Principles, as detailed at **Appendix 2**, which was amended accordingly; as a result of the consultation responses received and the amendments (as highlighted) requested by Licensing Committee Members at the Licensing Committee meeting held on 15th November 2021.

It is therefore RECOMMENDED that: -

- a) **the revised Statement of Principles, as amended by Licensing Committee Members, and detailed at Appendix 2, be approved; and**
- b) **that the Statement of Principles be published by 31st January 2022.**

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LICENSING COMMITTEE

15th November 2021

GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES

Relevant Portfolio Holder	Councillor A D Kent
Portfolio Holder Consulted	No
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 2019. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. As a result, a new Statement of Principles must be published by 31st January 2022.

On 12th July 2021, 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 3 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.

- 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 Bromsgrove District 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 2019 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31st January 2022.
- 3.8 The last revision of the Statement of Principles during 2018 involved the Council significantly enhancing the content of the statement to provide more comprehensive information on how the Council approaches its roles and responsibilities in relation to the various permits and small society lotteries that it is responsible for administering and monitoring.
- 3.9 Since the Statement of Principles was revised during 2018, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

- 3.10 In light of this, only minor revisions were included in the draft Statement of Principles that was presented to the Licensing Committee on 19th July 2021. These minor revisions include updating the Introduction section of the Statement to reflect the current Council Plan and the strategic purposes and priorities it identifies. The introduction section had also been updated to reflect more recent estimates on the population of the borough.
- 3.11 The draft Statement had also been revised to nominate the Worcestershire Safeguarding Children Partnership as the body competent to advise the Council on matters relating to the protection of children from harm. This is because the Worcestershire Safeguarding Children Partnership has replaced the previously nominated Worcestershire Safeguarding Children Board.
- 3.12 The list of consultees shown at Appendix B of the Statement had also been updated to reflect changes to some of the Gambling Trade Associations and to include additional organisations involved in working with people who experience problems with gambling.
- 3.13 On 12th July 2021, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes.
- 3.14 Subsequently 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
 - Relevant Trade Associations
 - The Public Health Team at Worcestershire County Council
 - Organisations working with people who are problem gamblers
 - Parish Councils
 - The general public
- 3.15 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.
- 3.16 The consultation exercise began on the 20th July 2021 and remained open for comments until 10th September 2021.

LICENSING COMMITTEE

15th November 2021

- 3.17 There were two responses received during the consultation. The first of these responses was received from Gosschalks Solicitors and was submitted on behalf of their clients the Betting and Gaming Council (BGC). A full copy of the response can be seen at **Appendix 1**.
- 3.18 The response contained one suggested amendment be made to the draft revised Statement. That is the redrafting of a bullet point at paragraph 11.4 to take out reference to the term "primary gambling activity" as this is said to be a term no longer used by the Gambling Commission.
- 3.19 Officers have examined the latest version of the Gambling Commissions Guidance to Licensing Authorities and the Licence Conditions and Code of Practice (LCCP) document and confirmed that the Commission no longer appears to use the term "primary gambling activity" in either document. Paragraph 11.4 has therefore been amended to remove reference to this term.
- 3.20 A further response to the consultation was received from the charity GambleAware. This response can be seen at **Appendix 2**.
- 3.21 Due to resource constraints, the charity was not able to provide specific feedback on the draft Statement, but did provide some useful links to tools and publications that can be used by licensing authorities to help identify areas with increased levels of risk for any reason.
- 3.22 These might include areas where there are higher than average resident or visiting populations from groups known to be vulnerable to gambling harms including children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.
- 3.23 These tools and publications will be very helpful when the Gambling Local Area Profile for Worcestershire is next updated.
- 3.24 Members of the Committee are now asked to consider the responses and recommend to Council that the draft revised Statement of Principles at **Appendix 3** be approved and published.

4. RISK MANAGEMENT

- 4.1 Failing to prepare and publish a new Statement of Principles by 31st January 2022 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 – Consultation Response from Gosschalks on behalf of the Betting and Gaming Council
- Appendix 2 – Response from GambleAware
- Appendix 2 – Draft Revised Statement of Principles

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

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

Tel: (01905) 822799

GOSCHALKS

BY EMAIL ONLY to enquiries@worcsregservices.gov.uk
 Licensing Section
 Bromsgrove Council

Please ask for: [REDACTED]
 Direct Tel: [REDACTED]
 Email: [REDACTED]
 Our ref: [REDACTED]
 Your ref:
 Date: 26 August 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate

Queens Gardens, Hull, HU1 3DZ | 01482 324252 | 0870 600 5984 | www.goschalks.co.uk | DX 11902 – Hull

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- **safeguard and empower the customer as the key to a thriving UK betting and gaming Industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on

advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Revised Statement of Principles 2022-2025

We note that in the absence of any significant changes to relevant legislation and guidance, the council is not proposing to make any significant amendments to the existing statement of principles. We welcome the light touch approach adopted in the draft statement of principles and have only one comment to make.

Paragraph 11.4 contains a list of bullet points that's a risk assessment may include. The final bullet points refers to "primary gambling activity" which is a term no longer used by the Gambling Commission and in the circumstances this bullet point should be redrafted.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.

The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

GOSSCHALKS LLP

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 - Hull

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From: [REDACTED]
Sent: 26 July 2021 10:18
To: WRS Enquiries <enquiries@worcsregservices.gov.uk>
Subject: External Email : RE: Consultation – Revised Statement of Principles Under the Gambling Act 2005 - Bromsgrove District Council

Hello,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [Interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>
-

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Best wishes,

[REDACTED]

[REDACTED]
Company Secretary

GambleAware[®]

Phone [REDACTED] *note that we are currently remote working so please contact us by email*

Email [REDACTED]

Website begambleaware.org



Bromsgrove
District Council

www.bromsgrove.gov.uk

REVISED STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



2022 – 2025

Agenda Item 8

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Statement of Principles – Gambling Act 2005

1.0 Introduction

- 1.1 Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has an estimated population of approximately 99,900 and in terms of area it covers approximately 84 square miles. The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery. Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.
- 1.2 A map of the District of Bromsgrove can be seen at Appendix A.
- 1.3 Bromsgrove District Council's overall vision is "to enrich the lives and aspirations of all our residents, businesses and visitors through the provision of high quality services, ensuring that all in need receive appropriate help and support." This statement accords with that vision in seeking 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.
- 1.4 We have 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 we have consulted. We consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between 20th July 2021 and 10th September 2021 in line with current published Government consultation principles. Should you have any comments as regards this policy statement please send them via email or letter to: enquiries@worcsregservices.gov.uk
- 1.5 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.
- 1.6 We intend that this document should provide information and guidance on the general approach that we will take to licensing. A series of advice sheets with more specific guidance is available from our web site or will be sent on request; advice tailored to individuals is available by phone or to personal callers.

1.7 Nothing in this policy 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 policy reflects and aims to support our strategic purposes and priorities, as set out in the Council Plan.

2.2 The Act provides for gambling to be authorised in a number of different ways.

2.3 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.

2.4 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.

4.0 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. Holder’s of premises licences will be notified whenever the Local Area Profile is updated.

5.0 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, and
 - 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.

6.0 General Statement of Principles

- 6.1 In carrying out our licensing functions in accordance with the Act, particularly with regard to premises licences, we will generally 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 We 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 We will ensure that in dealing with applications under the Act we follow the required procedures, and only take into account issues that are relevant. Specifically we will not have regard to “demand” when considering applications for gambling premises; nor will we consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). We will not reject an application on moral grounds. If we do decide to reject an application, we will make known our reasons for doing so.
- 6.4 Our current Council Constitution (including the scheme of delegation) details the way that we will discharge our functions under this Act. Details are available from the Licensing Department.
- 6.5 Where an application is for a new premises licence, the responsible authorities may 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 can't be resolved informally, or we intend to impose extra conditions, we will hold a public hearing at which our 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.

7.0 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 we will issue a licence to use premises for gambling.
- 7.2 In view that we will not issue a premises licence to someone who does not hold an operator's licence, we are not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise we 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, we 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 Security Industry Authority (SIA) registered door supervisors.
- 7.4 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 was required to deal with it; we 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 "Disorder" is generally a matter for the Police; we will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers.
- 7.6 When making decisions relating to disorder, we will give due weight to comments made by the police.

8.0 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 Because betting track operators do not need an operating licence from the Commission we may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

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

- 9.1 Section 45 of the Gambling Act 2005 defines a child as an individual under the age of 16 and a young person as an individual who is not a child but who is less than 18 years old. References in this statement to “a child” or “children” are to be read as including reference to “a young person” or “young people” except in circumstances where this would be inconsistent with the provisions of the Gambling Act 2005 or where this statement is quoting from the legislation itself.
- 9.2 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.
- 9.3 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 will be expected to heed this advice where applicable.
- 9.4 We expect 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.
- 9.5 When determining a premises licence or permit we 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.
- 9.6 In seeking to protect vulnerable people we 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.
- 9.7 We will always treat each case on its own 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.
- 9.8 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.

9.9 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Partnership 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 location of gaming machines on the premises.

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. We 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. We 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. We 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 District of Bromsgrove was not identified as a suitable location for a casino, consequently we are 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 We 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, we 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 we 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 We 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 We will only issue a premises licence once we are satisfied that the premises is ready to be used for gambling in the reasonably near future. Where we have agreed to grant a licence but substantial building works or alterations are still required we will impose a condition requiring the premises to be inspected on completion of the work and prior to the issue of the licence. Where 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 as having a right to occupy the premises is a pre-condition to making a Premises Licence application.
- 12.12 We 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 We are 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 We 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 we recognise are listed below, contact details for each of the responsible authorities identified are available on our website www.bromsgrove.gov.uk, and will be sent on request.

- The Gambling Commission
- The Chief Officer of Police for the Area
- Fire and Rescue Service
- Bromsgrove District Council Planning Department
- Bromsgrove District Council Licensing Department (WRS)
- Bromsgrove District Council Environmental Health (WRS)
- Worcestershire Safeguarding Children Partnership
- HM Revenue and Customs
- 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 We 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, we 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 nature 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, we 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 We 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 we 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 we 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. We will not have recourse to a pool of standard conditions.
- 15.2 We 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. We will also

expect the applicant to offer their own suggestions as to way in which the licensing objectives can be promoted effectively.

- 15.4 We 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 We 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.

17.0 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.

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- 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.

18.0 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.
- 18.2 This is an important distinction in respect of the gaming that may take place.
- 18.3 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.
- 18.4 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.
- 18.5 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.
- 18.6 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

- 18.7 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.
- 18.8 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.
- 18.9 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.
- 18.10 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

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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.

- 18.11 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

- 18.12 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.
- 18.13 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.
- 18.14 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

- 18.15 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.
- 18.16 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.
- 18.17 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

- 18.18 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.
- 18.19 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

18.20 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.

18.21 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.

18.22 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.

18.23 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.

18.24 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.

18.25 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

18.26 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.

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

18.28 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.

18.29 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

- 18.30 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.
- 18.31 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

- 18.32 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.
- 18.33 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.
- 18.34 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.
- 18.35 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

- 18.36 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.
- 18.37 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.
- 18.38 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.

19.0 Unlicensed Family Entertainment Centre Permits

Introduction

- 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.

20.0 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. We 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 We have very little discretion as regards these notices aside from ensuring 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.

23.0 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.

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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 s.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, we 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 relevant data protection legislation, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we 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 we hold about them by contacting our Information Management Officer.

24.3 We are committed to being open about what we do and how we come to our 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.bromsgrove.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, 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 we accept 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 us 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 us but will be notified to the Gambling Commission.

- 25.2 We 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 We 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 made by interested parties or responsible authorities, however, we 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 We will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether we would wish to alter/revoke or suspend the licence.

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26.3 We can also initiate a review of a premises licence on the basis of any reason which we 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 us, 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 we 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.

DRAFT

Map of the District of Bromsgrove



List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

Worcestershire Safeguarding Children Partnership

Director of Public Health

District Councillors

Parish Councils

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

Gambling Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

GambleAware

Gordon Moody Association

Revenue Outturn 2020/21

Relevant Portfolio Holder	Cllr Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Chris Forrester
Report Author	Job Title: Head of Finance & Customer Services email:chris.forrester@bromsgroveandredditch.gov.uk Contact Tel: 0152764252
Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	All
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	
This report contains exempt information as defined in Paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. Purpose and summary

The purpose of this report is to set out the Council's Revenue outturn position for the financial year April 2020 – March 2021 (subject to final accounts closedown procedures and audit).

2. Recommendations

The Cabinet is asked to resolve

2.1 To note the outturn financial position in relation to the revenue budgets for the year April 2020 – March 2021 as detailed in the report.

That Cabinet recommend to Council

2.2 that £228,736 be transferred from the General Covid Grant to the Council's general fund to balance the outturn position for 2020/21.

3. Revenue budgets

3.1 This report provides details of the revenue outturn position of the Council for 2020/21 and performance against budget.

3.2 This report presents the financial outturn position and performance against budget by service (for example 'Environmental Services).

3.3 Table 1 below sets out the revenue outturn position compared to budget:

Table 1: Summary Revenue Outturn 2020/21

Service	2020/21 Original Budget	2020/21 Revised Budget	2020/21 Revised Actuals	2020/21 Variance
	£	£	£	£
Regulatory Client	207,208	194,818	210,946	16,128
Business Transformation & Organisational Development	1,707,974	1,562,447	1,486,244	-76,202
Chief Executive	1,585,088	1,844,322	1,928,958	84,636
Community & Housing GF Services	1,076,023	805,300	705,052	-100,248
Corporate Financing	-11,812,000	-11,261,625	-11,514,569	-252,944
Environmental Services	2,780,695	2,734,139	3,423,943	689,804
Financial & Customer Services	1,340,726	1,253,385	1,214,559	-38,826
Legal, Dem' & Property Services	1,458,600	1,493,003	1,378,214	-114,788
Planning, Regeneration & Leisure Services	1,655,685	1,374,208	1,395,385	21,176
Grand Total	0	0	228,736	228,736

Note: The Revised Budget reflects in year approved adjustments to the Original

- 3.4 The above table shows that the revenue outturn position was overspent by £228,736 in total. It should be noted that this position is before any allocation from any remaining balances in relation to General Covid-19 Grant funding.
- 3.5 This report will now set out a financial commentary on this outturn position by service area.

Regulatory Client (Total overspend of £16k)

- 3.6 The above table shows that in summary this service area was overspent by circa £16k. The main variation was as follows:
 - £24k underperformance on licence income due to the impact of Covid-19.

Business Transformation & Organisational Development (Total underspend of £76k)

- 3.7 The above table shows that in summary this service area was under by circa £76k. The main variations being as follows:

- £75k underspend on training and organisational development. Training and organisational development have underspent on the corporate training budget due to COVID-19 having had a direct impact on the ability to deliver training. There is currently a review being undertaken on how training will be provided moving forwards, including opportunities for moving towards higher levels of remote training as appropriate.

Chief Executive (Total overspend of £85k)

3.8 The above table shows that in summary this service area was overspent by circa £85k. The main variations being as follows:

- £62k overspend on corporate services due to higher than originally budgeted for pension costs which resulted from budgets not accurately reflecting actuarial updates. These issues have now been resolved within future budgets.

Community & Housing GF Services (Total underspend £100k)

3.9 The above table shows that in summary this service area was under by circa £100k. The main variations being as follows:

- £40k underspend on lifeline due to salary savings.
- A number of minor underspends spread across a range of budget areas including savings on reallocating demand for temporary accommodation from the Burcot Lane Hostel to BDHT. Covid-19 (and the associated funded programmes) has also led to a reduction in financial pressure / demand associated with homelessness cases.

Corporate Financing (Total underspend £253k)

3.10 The above table shows that in summary this service area was under budget by circa £253k. The main variations being as follows:

- £245k saving on interest payable due to a lower than forecast borrowing requirement, lower cost of borrowing and a reduced Minimum Revenue Provision charge (due to underspends on the capital programme).

Environmental Services (Total overspend of £690k)

3.11 The above table shows that in summary this service area was overspent by £690k. The main variations being as follows:

- £339k overspend on waste management. This was due to some additional commercial Waste Disposal Costs. A Business case has been put forward to address this going forwards in the budget. There are also increased costs from Severn Trent on disposal of septic waste and overspends on additional overtime due to out of Hours Callout costs (which is being reviewed corporately). This has now been addressed and amended in the budget for the new financial year.

- £101k underspend on tree management. This was due to vacant posts. It should be noted that this area is currently going through a service review.
- £512k loss of carparking income against budget due to the impact of Covid-19 (noting that these losses are after accounting for some additional support from Government in relation to the sales, fees and charges support scheme).

Financial & Customer Services (Total underspend of £39k)

3.12 The above table shows that in summary this service area was under budget by £39k. The main variations being as follows:

- £41k underspend in accounts and financial management due to significant vacancies. It should be noted that plans are in place to strengthen the Finance Team and recruit to these vacant posts.

Legal, Democratic & Property Services (Total underspend of £115k)

3.13 The above table shows that in summary this service area was under budget by £115k. The main variations being as follows:

- £39k saving in members and democratic support due to vacancies in the team.
- £70k saving in business development due to a combination of salary savings (due to vacancies) and the successful recovery of previous year overcharges on water costs.

Planning, Regeneration & Leisure Services (Total overspend of £21k)

3.14 The above table shows that in summary this service area was overspent by £21k. The main variations being as follows:

- Development control had an overspend of £270k. This was primarily driven by a £200k charge due to losing a planning appeal to a developer. This was offset by a number of underspends within planning budgets, due particularly to vacancies (linked to difficulties in recruitment caused by a national scarcity of this skillset) and increased numbers of planning application income (linked to Covid-19).
- It should be noted that Leisure budgets would have been significantly overspend in year had it not been for the General Covid-19 Grant provided to the Council, which allowed these pressures to be offset as explained below.

Covid grant

- 3.15 It is clear that budget and budgetary performance for the 2020/21 financial year was significantly impacted by the Covid-19 pandemic. Covid-19 distorted many expenditure budgets – as demonstrated above – typically through reducing income levels significantly (eg car parking), increasing Leisure costs, and reducing some costs areas which were operationally restricted as a result of Covid.
- 3.16 In recognition of this negative impact on the Council's resources (and particularly for district councils reduced income levels achievable for car parks and Leisure), the council was awarded £1.255 million General Covid-19 Grant in 2020/21 (and £0.411 million in 2021/22). This income was not budgeted for when the Council set its budget back in February 2020. Strict control was maintained over the accounting for these monies.
- 3.17 In total £476k of expenditure was applied from this General Covid-19 Grant in the 20/21 year, £356k of which was paid to the Council's outsourced provider of the Bromsgrove Sports and Leisure Centre. This was in recognition of the impact of Covid-19 on the ability of the provider to operate in accordance with the (pre- Covid) agreed contract.
- 3.18 The current position of the General Covid-19 Grant is set out in detail in Appendix 1 which shows that there is sufficient funds (at circa £766k) available to allocate circa £228k to fund the 20/21 overspend as set out in section 3.3, thereby bringing the 2020/21 position to balance without pressure on the General Fund.

4. Treasury and Cash Management

- 4.1 As at 31st March 2020, the Council had £4.75m of short term borrowing, no long term borrowing, and had placed £2m in investment accounts to generate an income for the Council.

5. General Fund Balances

- 5.1 The general fund balance was maintained at £4.4m (subject to the £228k overspend set out in section 3.3 being funded from the General Covid Grant as set out in 3.18).

6. LEGAL IMPLICATIONS

No legal implications have been identified.

7. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 7.1 The Outturn position relates to all strategic purposes.

Climate Change Implications

7.2 No climate change implications were identified.

8. OTHER IMPLICATIONS

Equalities and Diversity Implications

8.1 No equalities and diversity implications were identified.

Operational Implications

8.2 Managers meet with finance officers to consider the current financial position and to ensure actions are in place to mitigate any overspends.

9. RISK MANAGEMENT

9.1 Managing financial risks features in the corporate risk register for the authority.

Appendix 1: General Covid Fund Grant Account at 8 November 2021

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General Covid-19 Grant Funding	£
Amount Received (four initial tranches)	1,254,853
Amount spent 19/20	12,059
Amount spent 20/21	476,465
Remaining balance at 31/3/21 (pre balancing outturn)	766,329
Planned use of grant to balance outturn position	228,736
Remaining balance at 31/3/21 (post balancing outturn)	537,593
Fifth tranche of grant (21/22)	411,102
Total remaining covid grant (prior to 21/22 pressures)	948,695

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