

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Tuesday, 11 January 2022

Tel: 01285623208
e-mail - democratic@cotswold.gov.uk

COUNCIL

You are summoned to attend a meeting of the Full Council to be held in the Council Chamber, Council Offices, Trinity Road, Cirencester on **Wednesday, 19 January 2022 at 2.00 pm.**

Rob Weaver
Chief Executive

To: All Members of the Council

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
3. **Minutes**
To confirm the minutes of the meeting of Council held on 15 December 2021 (Draft minutes to follow)
4. **Announcements from the Chair, Leader or Chief Executive (if any)**
5. **Public Questions**
To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than two minutes each and relate to issues under the Council's or Committee's remit. Any member of the public wishing to ask a public question is requested to contact Democratic Services by no later than 5.00pm the working day before the meeting.
6. **Member Questions**
The following questions have been submitted:

Question from Councillor Julia Judd to Councillor Joe Harris, Leader of the Council:

The Feedback Report of the Corporate Peer Challenge carried out in November 2019 was made available to this Group in April 2020.

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of which is to help the Council assess the impact of the Peer Challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the original peer team. The timing of the visit is determined by the Council. Our expectation is that it will occur within the next two years.

When does this Council propose this re-visit is to be held? The 2-year expectation is now two months overdue.

Question From Councillor Julia Judd to Councillor Andrew Doherty, Cabinet Member for the Environment, Waste and Recycling:

What criteria was used to justify the need to engage two Clean & Green Officers whose role overlaps the role of District, Town & Parish Councillors?

Question from Councillor Gina Blomefield to Councillor Michael Evemy, Deputy Leader and Cabinet Member for Finance:

Last year I requested that future Budget surveys had a section where responding residents could be invited to add their own comments and I am delighted this has been introduced and 228 people, out of the total response of 432, used it to express their views.

Fifteen different communication channels were used to inform and engage people in this Budget survey. Can you let us know how much the various consultations cost, as well as the time taken up by Officers preparing and collating them, so that we can see what that represents as a cost per response?

7. External Audit Contract 5 - 26

Purpose

To consider the options for procuring the Council's external audit services for the period from 2023/24.

Recommendation(s)

That Council approves the procurement of external audit services from 2023/24 through the National Procurement Framework using Public Sector Audit Appointments Ltd.

8. Gambling Act 2005 - Review of the Statement of Principles 27 - 64

Purpose

The report details the proposed revisions to the Council's Statement of Principles (Gambling Act 2005) (the Act), based on legislative requirements and statutory guidance.

Recommendation(s)

a) That the reviewed Statement of Principles, attached at Annex 'A' to the circulated report, be approved;

b) that the Council continues to adopt a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

9. Cotswold District Council Draft Schedule of Meetings 2022-23 65 - 70

Purpose

To receive the draft Schedule of Meetings for the civic year 2022-23.

Recommendations

That the Council approves the schedule of meetings for 2022-23.

10. Notice of Motions

In accordance with Council Procedure Rule 12, the following Motions have been received:-

a) Motion - Armed Forces Covenant Re-Endorsement

Proposed by Councillor Stephen Andrews, Seconded by Cllr Julia Judd

Nearly a decade ago, in February 2012, Cotswold District Council, along with its partners within Gloucestershire, local NHS representatives, and the Police and Crime

Commissioner, signed the Armed Forces Community Covenant.

On the 15th December 2021 Royal Assent was given to the Armed Forces Act 2021 enshrining the Armed Forces Covenant in law for the first time.

The Covenant is a statement of mutual support between the civilian community and its local Armed Forces Community. It encourages support for the Armed Forces Community residing in Cotswold District and recognises and remembers their sacrifices. This includes in-service and ex-service personnel, their families and widow(er)s, reservists, their partners and their families in Cotswold District. It is important that we continue to work with veterans in the District and that we place on record our appreciation and gratitude to those organisations which work tirelessly with our local Veterans and their families.

For the District Council and those Organisations that it works with within Gloucestershire, the Armed Forces Covenant presents an opportunity for us all to continue sharing our knowledge and experience of how Local Government is structured and how it works, with the local bases in South Cerney and where appropriate, Fairford, in order to assist and advise our military neighbours and their families in practical ways when they might need our help or advice. It also represents an opportunity to work with Service Charities on aspects relating to the welfare of Service Families and Veterans resident in Cotswold District, including those who may be based, or previously based, at sites outside of Cotswold District, such as at RAF Brize Norton or the Defence Academy at Shrivenham.

MOTION:

Now, with the passage of the Armed Forces Covenant into law, this Council believe that the time is right to update and reinforce the commitment of this Council to the Covenant.

Therefore, this Council proposes that in 2022, on the 10-year anniversary of the original signing, this Council re-sign it, highlighting our continued commitment to working with, and honouring, the Armed Forces Community.

11. **Next meeting**
16 February 2022 – 6pm

(END)

Agenda Item 7



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 JANUARY 2022
Report Number	AGENDA ITEM 7
Subject	EXTERNAL AUDIT CONTRACT
Wards affected	N/A
Accountable member	Cllr Mike Every, Cabinet Member for Finance Email: mike.every@cotswold.gov.uk
Accountable officer	Jenny Poole, Chief Finance Officer Email: jenny.poole@cotswold.gov.uk
Summary/Purpose	To consider the options for procuring the Council's external audit services for the period from 2023/24.
Annexes	Annex A – Public Sector Audit Appointments Ltd Prospectus
Recommendation(s)	<i>That Council approves the procurement of external audit services from 2023/24 through the National Procurement Framework using Public Sector Audit Appointments Ltd.</i>
Corporate priorities	Ensure that all services delivered by the Council are delivered to the highest standard.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The Audit Committee considered the options on 21 October 2021 and supported procurement using the National Procurement Framework through PSAA Ltd. Cabinet considered the options on 10 January 2022 and supported procurement using the National Procurement Framework through PSAA Ltd.



I. BACKGROUND

- I.1** The process for re-tendering for External Audit in Local Authorities in England, for contracts due to start from 2023/24, is now underway and the Council will need to decide whether to procure its own External Auditor or opt into the National Procurement Framework.
- I.2** Legislation requires a resolution of Council if a Local Authority wishes to opt into the National arrangement. The deadline for this decision is the 11th March 2022. If the Council doesn't make such a decision, the legislation assumes that the Council will procure its own External Audit Service.
- I.3** The last time that Council was required to make this choice was in 2016/17. Since then a lack of capacity in the Audit market has been exacerbated by increased requirements placed on External Auditors by the Audit Regulator. There is also a limited number of firms in the market and too few qualified Auditors employed by those firms. Nationally, this has led to a situation where many Audits have been delayed and dozens of Audit opinions remain outstanding from 2019/20 and 2020/21. Auditors have also been asking for additional fees to pay for extra work.
- I.4** As the client in the Contract, a Council has little influence over what it is procuring. The nature and scope of the Audit is determined by Codes of Practice and Guidance and the regulation of the Audit market is undertaken by a third party, currently the Financial Reporting Council. Essentially, Councils find themselves operating in what amounts to a suppliers' market.
- I.5** The supply side of the market needs to be expanded, which includes encouraging bids from challenger firms. Public Sector Audit Appointments Ltd (PSAA), the body nominated by the Government to run the national arrangements, has suggested various ways this could be done, but these initiatives are much more likely to be successful if a large number of Councils sign up to the national scheme.
- I.6** A Council procuring its own Auditor or procuring through a Joint Arrangement means setting up an Audit Panel with an independent Chair to oversee the procurement and running of the Contract. The procurement process and Contract management present an administrative burden to the Council, which is currently performed by PSAA. The number of potential suppliers is limited to the small pool of registered firms with accredited Key Audit Partners (KAP).



- 1.7 PSAA has now built up considerable expertise and has been working hard to address the issue that has arisen with the Contracts over the last couple of years.
- 1.8 PSAA has commissioned high quality research to understand the nature of the Audit market and has worked very closely with the Ministry for Housing Communities and Local Government (MHCLG), now the Department for Levelling Up, Homes and Communities (DLUHC) to enable the Government to consult on changes to the fee setting arrangements to deal better with variations at national and local level.

2. MAIN POINTS

- 2.1 The PSAA Prospectus is included at **Annex A** and includes a proposed timescale for the procurement which commences in February 2022 and awards Contracts in August 2022. Subject to consultations with opted-in bodies and Audit firms, the plan is to make Auditor appointments by 31 December 2022 (as required by the Regulations).
- 2.2 PSAA's preferred option for the length of the Contract is 5 years.

3. FINANCIAL IMPLICATIONS

- 3.1 Audit fees are rising in all sectors in response to increased regulatory requirements for Audit quality and changes in Audit scope and Technical Standards. PSAA will consult each year on the fee scale and will consult in 2023 on the 2023/24 fee scale.
- 3.2 Fee variations would continue to apply where the local circumstances of an audited body require additional audit work that was not expected at the time the fee scale was set. Current local Audit Regulations allow PSAA to approve fee variation requests only at individual bodies, for additional audit requirements that become apparent during the course of an audit year. MHCLG has announced the intention to amend the Regulations, following a consultation, to provide more flexibility. This would include the ability for PSAA to approve standardised fee variations to apply to all or groupings of bodies where it may be possible to determine additional fees for some new requirements nationally rather than for each opted-in body individually. Where it is possible to do this, it would have the effect of reducing the need for local fee variations.

4. LEGAL IMPLICATIONS

- 4.1 Public Sector Audit Appointments Limited (PSAA) is an independent company limited by guarantee incorporated by the Local Government Association in August 2014. In July 2016, the Secretary of State specified PSAA as an appointing person for principal Local Government and police bodies for audits from 2018/19, under the provisions of the Local



Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing Auditors and setting scales of fees for relevant principal Authorities that have chosen to opt into its national scheme, overseeing issues of Auditor independence and monitoring compliance by the Auditor with the contracts.

5. RISK ASSESSMENT

- 5.1** The key risks relate to the market for External Audit provision which are set out in the main body of the Report at paragraphs 1.4 to 1.6. Should the Council decide to procure its External Audit services outside of the PSAA route, there are risks of failing to procure a suitable Audit partner and the costs of the Contract being higher as there is a failure to achieve economies of scale.

6. ALTERNATIVE OPTIONS

- 6.1** The Council's Chief Finance Officer is proposing that procurement is commissioned through PSAA. The alternative option is for the Council to procure its own Contract for External Audit services. This option lacks the benefits of economies of scale offered by the PSAA route and crystallises the risks in the External Audit market as set out in paragraphs 1.4 to 1.6.

7. BACKGROUND PAPERS

- 7.1** None

(END)

PROSPECTUS

The national scheme for local auditor appointments

All eligible bodies

September 2021

www.psaa.co.uk

About PSAA

Public Sector Audit Appointments Limited (PSAA) is an independent company limited by guarantee incorporated by the Local Government Association in August 2014.

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing auditors and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme, overseeing issues of auditor independence and monitoring compliance by the auditor with the contracts we enter into with the audit firms.

Contents

About PSAA.....	2
Introduction.....	4
Audit does matter.....	5
Context: changes in the audit market.....	5
Responding to the post-2018 pressures	7
PSAA is well placed to lead the national scheme.....	9
PSAA's commitments	11
Procurement Strategy	12
Response to consultation feedback	13
Eligible Principal Bodies in England.....	16
Annex - Procurement Options.....	18

Introduction

PSAA has issued its formal invitation to all eligible bodies to opt into the national scheme for local auditor appointments for the second appointing period, which will provide external audit arrangements for the period commencing from the financial year 2023/24.

This prospectus is published to provide details of the national scheme and to assist eligible bodies in deciding whether or not to accept PSAA's invitation. The scheme has been shaped by [your feedback to the June 2021 consultation](#) on our draft prospectus. The key areas of our approach that have been refined in response to consultation feedback are set out later in this prospectus.

In relation to appointing auditors, eligible bodies have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

A decision to become an opted-in authority must be taken in accordance with the Regulations, that is by the members of an authority meeting as a whole, i.e. in Full Council, except where the authority is a corporation sole, such as a police and crime commissioner, in which case this decision must be taken by the holder of that office.

An eligible body that has decided to join the scheme must inform PSAA by returning the Form of Acceptance Notice (issued with the opt-in invitation) **no later than midnight on Friday 11 March 2022**.

An eligible body that does not accept the opt-in invitation but subsequently wishes to join the scheme may apply to opt in only after the appointing period has commenced, that is on or after 1 April 2023. In accordance with the regulations, as the appointing person, PSAA must: consider a request to join its scheme; agree to the request unless it has reasonable grounds for refusing it; and notify the eligible body within four weeks of its decision with an explanation if the request is refused. Where the request is accepted, PSAA may recover its reasonable costs for making arrangements to appoint a local auditor from the opted-in body.

Audit does matter

The purpose of audit is to provide an independent opinion on the truth and fairness of the financial statements, whether they have been properly prepared and to report on certain other requirements. In relation to local audit the auditor has a number of distinctive duties including assessing the arrangements in place to deliver value for money, and dealing with electors' objections and issuing public interest reports.

Good quality independent audit is one of the cornerstones of public accountability. It gives assurance that taxpayers' money has been well managed and properly expended. It helps to inspire trust and confidence in the organisations and people responsible for managing public money.

"The LGA set up PSAA to provide a way for councils to meet the legislative requirements of audit procurement without unnecessary bureaucracy and to provide leverage for councils by collaborating in a difficult market. It is now more important than ever that councils work together to ensure we get what we need from the audit market."

James Jamieson. Chairman of the Local Government Association

Context: changes in the audit market

In 2014 when the Local Audit and Accountability Act received Royal Assent the audit market was relatively stable. In 2017 PSAA benefitted from that continuing stability. Our initial procurement on behalf of more than 480 bodies (98% of those eligible to join the national scheme) was very successful, attracting very competitive bids from firms. As a result, we were able to enter into long term contracts with five experienced and respected firms and to make auditor appointments to all bodies. However, although we did not know it at the time, this was the calm before the storm.

2018 proved to be a very significant turning point for the audit industry. A series of financial crises and failures in the private sector gave rise to questioning about the role of auditors and the focus and value of their work. In rapid succession the Government commissioned four independent reviews, all of which have subsequently reported:

- Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator;
- the Competition and Markets Authority review of the audit market;
- Sir Donald Brydon's review of the quality and effectiveness of audit; and
- Sir Tony Redmond's review of local authority financial reporting and external audit.

In total the four reviews set out more than 170 recommendations which are now at various stages of consideration by Government with the clear implication that a series of significant reforms could follow. Indeed, in some cases where new legislation is not required, significant change is already underway. A particular case in point concerns the FRC, where the Kingman Review has inspired an urgent drive to deliver rapid, measurable improvements in audit quality. This has already created a major pressure for firms and an imperative to ensure full compliance with regulatory requirements and expectations in every audit they undertake.

By the time firms were conducting 2018/19 local audits, the measures which they were putting in place were clearly visible in response to a more focused regulator that was determined to achieve change. In order to deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain higher levels of assurance. However, additional work requires more time, posing a threat to firms' ability to complete all of their audits by the target date for publication of audited accounts (then 31 July) - a threat accentuated by growing recruitment and retention challenges, the complexity of local government financial statements, and increasing levels of technical challenges as bodies explored innovative ways of developing new or enhanced income streams to help fund services for local people.

This risk to the delivery of timely audit opinions first emerged in April 2019 when one of PSAA's contracted firms flagged the possible delayed completion of approximately 20 audits. Less than four months later, all firms were reporting similar difficulties, resulting in more than 200 delayed audit opinions.

2019/20 audits have presented even greater challenges. With Covid-19 in the mix both finance and audit teams have found themselves in uncharted waters. Even with the benefit of an extended timetable targeting publication of audited accounts by 30 November, more than 260 opinions remained outstanding. The timeliness problem is extremely troubling. It creates disruption and reputational damage for affected parties. There are no easy solutions, and so it is vital that co-ordinated action is taken across the system by all involved in the accounts and audit process to address the current position and achieve sustainable improvement without compromising audit quality. PSAA is fully committed to do all it can to contribute to achieving that goal.

Delayed opinions are not the only consequence of the regulatory drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been received than in prior years and audit costs have increased.

None of these problems are unique to local government audit. Similar challenges have played out throughout other sectors where, for example, increased fees and disappointing responses to tender invitations have been experienced during the past two years.

All of this paints a picture of an audit industry under enormous pressure, and of a local audit system which is experiencing its share of the strain and instability as impacts cascade down to the frontline of individual audits. We highlight some of the initiatives which we have taken to try to manage through this troubled post-2018 audit era in this prospectus.

We look forward to the challenge of getting beyond managing serial problems within a fragile system and working with other local audit stakeholders to help design and implement a system which is more stable, more resilient, and more sustainable.

Responding to the post-2018 pressures

MHCLG's¹ Spring statement proposes changes to the current arrangements. At the time of writing, a formal consultation on the proposals in the Spring statement is underway and is due to close on 22 September 2021. The significant work to reform audit in the wake of the four independent reviews is underway. Further wide-ranging change is almost certain to occur during the next few years, and is very likely to have an impact during the appointing period that will commence in April 2023. Organisations attempting to procure audit services of an appropriate quality during this period are likely to experience markedly greater challenges than pre-2018.

Local government audit will not be immune from these difficulties. However, we do believe that PSAA's national scheme will be the best option to enable local bodies to secure audit services in a very challenging market. Firms are more likely to make positive decisions to bid for larger, long term contracts, offering secure income streams, than they are to invest in bidding for a multitude of individual opportunities.

We believe that the national scheme already offers a range of benefits for its members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency and value for money;
- on-going management of any independence issues which may arise;
- access to a dedicated team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members;
- collective savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- a sector-led collaborative scheme supported by an established advisory panel of sector representatives to help inform the design and operation of the scheme;

¹ Immediately prior to the publication of this document it was announced that MHCLG has been renamed to Department for Levelling Up, Housing and Communities (DLUHC). The document refers to the department as MHCLG.

- avoiding the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- providing regular updates to Section 151 officers on a range of local audit related matters and our work, to inform and support effective auditor-audited body relationships; and
- concerted efforts to develop a more sustainable local audit market.

The national scheme from 2023/24 will build on the current scheme having listened to the feedback from scheme members, suppliers and other stakeholders and learning from the collective post-2018 experience.

Since 2018 we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties including:

- commissioning an independent review undertaken by Cardiff Business School of the design of the scheme and implementation of our appointing person role to help shape our thinking about future arrangements;
- commissioning an independent review by consultancy firm Touchstone Renard of the sustainability of the local government audit market, which identified a number of distinctive challenges in the current local audit market. We published the report to inform debate and support ongoing work to strengthen the system and help to deliver long term sustainability;
- proactively and constructively engaging with the various independent reviews, including the significant Redmond Review into Local Authority Financial Reporting and External Audit;
- working with MHCLG to identify ways to address concerns about fees by developing a new approach to fee variations which would seek wherever possible to determine additional fees at a national level where changes in audit work apply to all or most opted-in bodies;
- establishing the Local Audit Quality Forum, which has to date held five well attended events on relevant topics, to strengthen engagement with Audit Committee Chairs and Chief Finance Officers;
- using our advisory panel and attending meetings of the various Treasurers' Societies and S151 officer meetings to share updates on our work, discuss audit-related developments, and listen to feedback;
- maintaining contact with those registered audit firms that are not currently contracted with us, to build relationships and understand their thinking on working within the local audit market;
- undertaking research to enable a better understanding of the outcomes of electors' objections and statements of reasons issued since our establishment in April 2015; and
- sharing our experiences with and learning from other organisations that commission local audit services such as Audit Scotland, the NAO, and Crown Commercial Services.

As a member of the newly formed Local Audit Liaison Committee (established by MHCLG as outlined in its Spring statement), we are working closely with a range of local audit stakeholders including MHCLG, FRC, NAO, ICAEW, CIPFA and the LGA to help identify and develop further initiatives to strengthen local audit. In many cases desirable improvements are not within PSAA's sole gift and, accordingly, it is essential that this work is undertaken collaboratively with a common aim to ensure that local bodies continue to be served by an audit market which is able to meet the sector's needs and which is attractive to a range of well-equipped suppliers.

One of PSAA's most important obligations is to make an appropriate auditor appointment to each and every opted-in body. Prior to making appointments for the second appointing period, commencing on 1 April 2023, we plan to undertake a major procurement enabling suppliers to enter into new long term contracts with PSAA.

In the event that the procurement fails to attract sufficient capacity to enable auditor appointments to every opted-in body or realistic market prices, we have fallback options to extend one or more existing contracts for 2023/24 and also 2024/25.

We are very conscious of the value represented by these contract extension options, particularly given the current challenging market conditions. However, rather than simply extending existing contracts for two years (with significant uncertainty attaching to the likely success of a further procurement to take effect from 1 April 2025), we believe that it is preferable, if possible, to enter into new long term contracts with suppliers at realistic market prices to coincide with the commencement of the next appointing period.

MHCLG has recently undertaken a consultation proposing amendments to the Appointing Person Regulations. We have set the length of the next compulsory appointing period to cover the audits of the five consecutive financial years commencing 1 April 2023.

PSAA is well placed to lead the national scheme

As outlined earlier, the past few years have posed unprecedented challenges for the UK audit market. Alongside other stakeholders PSAA has learned a great deal as we have tried to address the difficulties and problems arising and mitigate risks. It has been a steep learning curve but nevertheless one which places us in a strong position to continue to lead the national scheme going forward. MHCLG's Spring statement confirmed Government's confidence in us to continue as appointing person, citing our strong technical expertise and the proactive work we have done to help to identify improvements that can be made to the process.

The company is staffed by a team with significant experience of working within the context of the regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees. All of these roles are undertaken with a detailed, ongoing, and up-to-date understanding of the distinctive context and challenges facing

both the sector and a highly regulated service and profession which is subject to dynamic pressures for change. Where appropriate we have worked with MHCLG to change our regulations where they are preventing efficiency.

We believe that the national collective, sector-led scheme stands out as the best option for all eligible bodies - especially in the current challenging market conditions. It offers excellent value for money and assures the independence of the auditor appointment.

Membership of the scheme will save time and resources for local bodies - time and resources which can be deployed to address other pressing priorities. Bodies can avoid the necessity to establish an auditor panel (required by the Local Audit & Accountability Act, 2014) and the need to manage their own auditor procurement. Assuming a high level of participation, the scheme can make a significant contribution to supporting market sustainability and encouraging realistic prices in a challenging market.

The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the NAO²), the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements.

The scope of public audit is wider than for private sector organisations. For example, for 2020/21 onwards it involves providing a new commentary on the body's arrangements for securing value for money, as well as dealing with electors' enquiries and objections, and in some circumstances issuing public interest reports.

Auditors must be independent of the bodies they audit to enable them to carry out their work with objectivity and credibility, and to do so in a way that commands public confidence. We will continue to make every effort to ensure that auditors meet the relevant independence criteria at the point at which they are appointed, and to address any identified threats to independence which arise from time to time. We will also monitor any significant proposals for auditors to carry out consultancy or other non-audit work with the aim of ensuring that these do not undermine independence and public confidence.

The scheme will also endeavour to appoint the same auditor to bodies involved in formal collaboration/joint working initiatives, if the parties consider that a common auditor will enhance efficiency and value for money.

² MHCLG's Spring statement proposes that overarching responsibility for the Code will in due course transfer to the system leader, namely ARGA, the new regulator being established to replace the FRC.

PSAA's commitments

PSAA will contract with appropriately qualified suppliers

In accordance with the 2014 Act, audit firms must be registered with one of the chartered accountancy institutes - currently the Institute of Chartered Accountants in England and Wales (ICAEW) - acting in the capacity of a Recognised Supervisory Body (RSB). The quality of their work will then be subject to inspection by either or potentially both the RSB and the FRC. Currently there are fewer than ten firms registered to carry out local audit work.

We will take a close interest in the results of RSB and FRC inspections and the subsequent plans that firms develop to address any areas in which inspectors highlight the need for improvement. We will also focus on the rigour and effectiveness of firms' own internal quality assurance arrangements, recognising that these represent some of the earliest and most important safety nets for identifying and remedying any problems arising. To help inform our scrutiny of both external inspections and internal quality assurance processes, we will invite regular feedback from both audit committee chairs and chief finance officers of audited bodies.

PSAA will support market sustainability

We are very conscious that our next procurement will take place at a very difficult time given all of the fragility and uncertainties within the external audit market.

Throughout our work we will be alert to new and relevant developments that may emerge from the Government's response to the Kingman, CMA and Brydon Reviews, as well as its response to the issues relating specifically to local audit highlighted by the Redmond Review. We will adjust or tailor our approach as necessary to maximise the achievement of our procurement objectives.

A top priority must be to encourage market sustainability. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work which suppliers must undertake, firms will be informed as to which developments should be priced into their bids. Other regulatory changes will be addressed through the fee variation process, where appropriate in the form of national variations.

PSAA will offer value for money

Audit fees must ultimately be met by individual audited bodies. The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies.

We believe that the most likely way to secure competitive arrangements in a suppliers' market is to work collectively together as a sector.

We will seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies. We will also continue to seek to minimise our own costs (which represent approximately 4% of overall scheme costs). We are a not-for-profit company and any surplus funds will be returned to scheme members. For example, in 2019 we returned a total £3.5million to relevant bodies and, more recently, we announced a further distribution of £5.6m in August 2021.

We will continue to pool scheme costs and charge fees to opted-in bodies in accordance with our published fee scale as amended from time to time following consultations with scheme members and other interested parties. Pooling is a key tenet of the national collective scheme.

Additional fees (fee variations) are part of the statutory framework. They only occur if auditors are required to do substantially more work than anticipated, for example, if local circumstances or the Code of Audit Practice change or the regulator (the FRC) increases its requirement on auditors.

Audit developments since 2018 have focused considerable attention on audit fees. The drive to improve audit quality has created significant fee pressures as auditors have needed to extend their work to ensure compliance with increased regulatory requirements. Changes in audit scope and technical standards, such as the requirement in the new Code of Audit Practice 2020 for the auditor to provide a VFM arrangements commentary, have also had an impact. Fees are rising in response to the volume of additional audit work now required.

The outcome is awaited of MHCLG's recent consultation on changes to the regulations, designed to provide the appointing person with greater flexibility to allow a fee scale to be set during the audit year (rather than before it starts). If implemented, these changes will enable approved recurring fee variations to be baked into the scale fee at an earlier date so the scale fees are more accurate and the volume of fee variations is reduced.

It is important to emphasise that by opting into the national scheme you have the reassurance that we review and robustly assess each fee variation proposal in line with statutory requirements. We draw on our technical knowledge and extensive experience in order to assess each submission, comparing with similar submissions in respect of other bodies/auditors before reaching a decision.

Procurement Strategy

Our [procurement strategy](#) sets out the detail and scope of the procurement to deliver contracts from which the auditor appointments will be made for eligible bodies that decide to accept the invitation to opt into PSAA's scheme.

Our primary aim is to secure the delivery of an audit service of the required quality for every opted-in body at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local public audit services.

We expect to initiate a new procurement for audit services in February 2022 and, subject to a satisfactory outcome, to award contracts in August 2022. Subject to consultations with opted-in bodies and audit firms, we plan to make auditor appointments by 31 December 2022 (as required by the regulations).

Response to consultation feedback

PSAA consulted with eligible bodies and other stakeholders on our draft prospectus for the national scheme for local auditor arrangements from April 2023, and with the audit services market on important features of its procurement strategy. The insight provided from both these important consultations has helped to shape the arrangements that PSAA will implement from 2023/24. Key areas are highlighted below.

Evolution of the Local Audit Framework

The consultation responses highlight the need for system-wide change. In many areas it is not within PSAA's remit to effect the significant change required.

The newly formed Local Audit Liaison Committee (as outlined in MHCLG's Spring statement), has enabled PSAA to highlight the need for a range of actions to tackle the identified issues that are essential to support a more stable, more resilient, and more sustainable local audit system. Sometimes the actions can be taken by individual organisations, but more frequently responsibility lies collectively across the system. The Liaison Committee and its members are now taking actions forward, including:

- All stakeholders to communicate the importance of audit timeliness as a consistent message to audit firms;
- PSAA to work with the FRC to develop the approach to quality evaluation of tenders;
- MHCLG and other stakeholders to understand the extent of potential increased audit costs for all eligible bodies and to consider how these might be met;
- All stakeholders to consider ways in which to attract new entrants (firms and Key Audit Partners) into the market;
- Central government departments to provide clarity on the direction of local audit policy to inform firms' consideration ahead of next procurement;
- The NAO and FRC to work together to consider how they can provide clarity about the future direction of the Code of Audit Practice to firms ahead of the next procurement; and
- MHCLG, CIPFA and the LGA to consider how to support finance departments with accounting and audit requirements.

In the vast majority of the areas consulted on which were within PSAA's remit, responses were supportive of our proposals for the national scheme from 2023/24 which is very encouraging. Areas where we have revisited and evolved our approach are highlighted below.

Minimum Audit Fees

Audit fees are rising in all sectors in response to increased regulatory requirements for audit quality and changes in audit scope and technical standards. Striving to ensure realistic fee levels is a vital prerequisite to achieving a more sustainable and stable local audit market.

Where individual audits currently attract scale fees that do not cover the basic costs of the audit work needed for a Code-compliant audit, we propose to implement a minimum fee level at the start of the next appointing period, for the audit of the 2023/24 accounts. Our independent research indicates a minimum fee level of £31,000 should apply, based on the 2020/21 scope of audit work, to any opted-in body (a police and crime commissioner and a chief constable constitute one body for this purpose).

We cannot anticipate scale fees for the next appointing period at this stage, because they will depend on the prices achieved in the procurement and any changes in audit requirements. Where any price increase means that the scale fee for a body does not reach the floor set by the minimum fee, the fee for that body would increase to reach the minimum level. It is likely, given current expectations, that the introduction of a minimum fee specifically would lead to an increase in fees for a relatively small number of local bodies. PSAA consults each year on the fee scale and will consult in 2023 on the 2023/24 fee scale.

Introducing a minimum fee is a one-off exercise designed to improve the accuracy of the fee scale for the next appointing period. Fee variations would continue to apply where the local circumstances of an audited body require additional audit work that was not expected at the time the fee scale was set.

Standardised fee variations

Current local audit regulations allow PSAA to approve fee variation requests only at individual bodies, for additional audit requirements that become apparent during the course of an audit year. MHCLG has announced the intention to amend the regulations, following a consultation, to provide more flexibility. This would include the ability for PSAA to approve standardised fee variations to apply to all or groupings of bodies where it may be possible to determine additional fees for some new requirements nationally rather than for each opted-in body individually. Where it is possible to do this, it would have the effect of reducing the need for local fee variations.

Approach to social value in the evaluation of tenders

We plan to retain our original proposal of a 5% weighting but to broaden the criteria by asking bidders to describe the additional social value they will deliver from the contract, which could include the creation of audit apprenticeships and meaningful training opportunities. Bidders will also be asked to describe how their delivery of social value will be measured and evidenced.

Contract Management

The quality of the audit services received by opted-in bodies is very important to both the bodies themselves and to PSAA. Our intention is therefore to focus a significant majority of the quality assessment of tender submissions on resourcing, capacity and capability (including sector knowledge) and on client relationship management and communication. Correspondingly, we intend to apply a lesser weighting to those criteria that are regularly assessed by the regulator. We will seek the views of the regulator in developing the detail of our approach.

We will also review the contract terms used in 2017 ahead of the next procurement of audit services. In particular we will consider the potential to introduce enhanced performance management arrangements aligned to the greater emphasis on quality within the tender evaluation process. Any such revision must ensure continued compliance with the FRC's Ethical Standard which prevents audit fees from being *"calculated on a predetermined basis relating to the outcome or result of a transaction, or other event, or the result of the work performed"*.

Information and Communication

Following the success of the webinars held to support the recent consultation, PSAA will be running a series of webinars starting in October 2021. The webinars will provide eligible bodies with the opportunity to hear and ask questions about specific areas of scheme arrangements and PSAA's work, and our progress to prepare for the second appointing period. Details of the [webinar series](#) can be found on our website.

Eligible Principal Bodies in England

The following bodies are eligible to join the proposed national scheme for appointment of auditors to local bodies:

- county councils
- metropolitan borough councils
- London borough councils
- unitary councils
- combined authorities
- passenger transport executives
- police and crime commissioners for a police area
- chief constables for an area
- national park authorities for a national park
- conservation boards
- fire and rescue authorities
- waste authorities
- the Greater London Authority and its functional bodies
- any smaller bodies whose expenditure in any year exceeds £6.5m (e.g. Internal Drainage Boards) or who have chosen to be a full audit authority (Regulation 8 of Local Audit (Smaller Authorities) Regulations 2015).

Board Members

Steve Freer (Chairman)

Keith House

Caroline Gardner CBE

Marta Phillips OBE

Stephen Sellers

PSAA Board members bring a wealth of executive and non-executive experience to the company. Areas of particularly relevant expertise include public governance, management and leadership; local government and contract law; and public audit and financial management.

Further information about PSAA's Board can be found at
<https://www.psaa.co.uk/about-us/who-we-are/board-members/>

Senior Executive Team

Tony Crawley, Chief Executive

Sandy Parbhoo, Chief Finance Officer

Andrew Chappell, Senior Quality Manager

Julie Schofield, Senior Manager Business & Procurement

Within the PSAA senior executive team there is extensive and detailed knowledge and experience of public audit, developed through long standing careers either as auditors or in senior finance and business management roles in relevant organisations.

Further information about PSAA's senior team can be found at
<https://www.psaa.co.uk/about-us/who-we-are/executive-team/>

Annex - Procurement Options

Our Preferred Option

A 5 year contract with the fallback of the right to extend one or more of the current contracts if there are insufficient or unaffordable bids.

Other Options Considered and Rejected

Option 1

Extending the existing contracts for 2 years and deferring the procurement. We want to secure 5 year contracts if we can because we believe this option is more attractive to the market.

Option 2

A 5 year contract with a commitment not to extend the existing contracts. We need the back stop of the right to extend the existing contracts if there are insufficient bids to allow us to make auditor appointments to all opted in bodies or if any of the bids received propose unacceptable prices.

Option 3

A 5 year contract with pre-determined prices for years 1 and 2 thereby avoiding the need for firms to price in the value of the right to extend the existing contracts. We believe such an arrangement will be unattractive to the market. Firms should be able to offer their own prices for years 1 and 2.

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 19 JANUARY 2022
Report Number	AGENDA ITEM 8
Subject	GAMBLING ACT 2005 - REVIEW OF THE STATEMENT OF PRINCIPLES
Wards affected	All
Accountable member	<p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing</p> <p>Email: juliet.layton@cotswold.gov.uk</p>
Accountable officer	<p>Alison Gardner – Licensing Lead</p> <p>Email: alison.gardner@publicagroup.uk</p>
Summary/Purpose	The report details the proposed revisions to the Council's Statement of Principles (Gambling Act 2005) (the Act), based on legislative requirements and statutory guidance.
Annexes	Annex A – Copy of draft Statement of Principles
Recommendation(s)	<p><i>a) That the reviewed Statement of Principles, attached at Annex 'A' to the circulated report, be approved;</i></p> <p><i>b) that the Council continues to adopt a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.</i></p>
Corporate priorities	<ul style="list-style-type: none"> • Delivering our services to the highest standards • Helping residents and communities access the support they need for good health and wellbeing
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The revised policy was subject to a 12 week consultation period which came to an end on the 27 September 2021.



I. BACKGROUND

- I.1** The Council is the Licensing Authority for the purposes of the Gambling Act 2005 ('the Act'). The Act sets out the regulatory system that governs the provision of all gambling in Great Britain, other than the National Lottery. The Act requires the Council to prepare a Statement of the principles that it proposes to apply in exercising its functions under the Act.
- I.2** The Statement is a licensing policy which sets out the general approach the Council will take when carrying out its regulatory role under the Act.
- I.3** As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and members' clubs and miners' welfare institutes.
- I.4** The Act contains three licensing objectives which underpin the functions that the Gambling Commission and Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of crime and disorder;
 - 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.
- I.5** Section 349 of the Act requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Act and that they must publish that Statement.
- I.6** The current Statement of Principles is due to expire in January 2022 and a new Statement of Principles must be in place by 31st January 2022.
- I.7** The Act also states that, in preparing the Statement, the Licensing Authority shall consult with the Police, persons representing persons carrying on gambling businesses and those affected by such businesses.
- I.8** The following amendments have been made to the existing policy:-
- The policy has been amended and the reference to shared partnership working has been removed so that the draft document is solely for Cotswold District Council
 - The document has been updated with up-to-date legislation references
 - The document has been updated to reflect the response from the Business Manager of the Gloucestershire Children Safeguarding Partnership. The Act states that the Statement must nominate the appropriate responsible authority for the protection of children from harm. The current Statement refers to the Gloucestershire



Children Safeguarding Board but this no longer exists. It is recommended that the Statement should name the Gloucestershire Children Safeguarding Partnership made up of the Gloucestershire County Council, Gloucestershire Clinical Commissioning Group and the Police as the responsible authority for the objective of protecting children from harm

1.9 The document has been subject to a 12-week consultation period.

2. 'NO CASINO RESOLUTION'

2.1 The Act was given Royal assent in April 2005. Under section 166 of the Act the Licensing Authority is empowered, if they wish, to make a 'no casino' resolution. This means that, at this time, the Council does not wish to have a casino in its area. This decision has to be reviewed every 3 years. Full Council in 2006 originally resolved not to issue licences to casinos. This decision has been renewed at all reviews since then. The benefit of making a 'no casino' resolution means that any applications for a casino in the Cotswold District area would be determined by Full Council. If a 'no casino' resolution is not renewed and the operator has the necessary planning permission, it is likely that the application for a casino would automatically be granted.

3. PLANNING AND LICENSING COMMITTEE

3.1 The Planning and Licensing Committee considered the document at its Meeting on 10 November 2021, and commended the draft reviewed Statement of Principles to Council for approval, without further amendment.

3.2 The Committee also supported the continued adoption of a "no-casino resolution" for inclusion in the published Gambling Act 2005 Licensing Policy Statement.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications directly associated with this report.

4.2 The Council receives income through licence fees and sets the fee to recover the cost of carrying out this function.



5. LEGAL IMPLICATIONS

- 5.1** The Act requires the Council to prepare and approve a Statement of Principles to cover each 3 year period. The Statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 5.2** Section 2 of the Act provides that the Council is the Licensing Authority for the purposes of the Act. Section 157 of the Act provides that, in relation to premises, the Licensing Authority in whose area the premises are situated is also a responsible authority. Therefore, it is lawful and entirely proper for the Council to carry out both of these roles.
- 5.3** Section 349 of the Act requires the Council to advertise and publish the Statement for a period of four weeks before it takes effect.
- 5.4** If the Council approves the Statement and advertises it for the required period prior to publication it will comply with its requirements as above.

6. RISK ASSESSMENT

- 6.1** None.

7. EQUALITIES IMPACT

- 7.1** Not required.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1** There are no implications arising directly from this report.
- 8.2** The Act is heavily regulated and, at present, there are no requirements for applicants to provide any climate impact assessments as part of their applications. This can be driven by local planning requirements and also by Central Government amending statutory requirements.

9. ALTERNATIVE OPTIONS

- 9.1** None.



10. BACKGROUND PAPERS

10.1 The following documents have been identified by the author of the report in accordance with section 100 D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Guidance Issued under Section 25 of the Act, Gambling Commission – April 2021
- Statement of Principles, Cotswold District Council - January 2019

These documents will be available for inspection at the Council Offices at Trinity Road, Cirencester, GL7 1PX during normal office hours for a period of up to 4 years from the date of the meeting. Please contact democratic services via democratic@cotswold.gov.uk

This page is intentionally left blank

Gambling Act 2005

Statement of Principles

**This Statement of Principles applies from 31 Jan 2022
until 30 Jan 2025
(unless revised sooner)**

CONTENTS

GLOSSARY

PART A: GENERAL MATTERS

1.	The Licensing Objectives	Error! Bookmark not defined.
2.	Introduction	Error! Bookmark not defined.
3.	The Local Areas	Error! Bookmark not defined.
3.1	The Cotswold District	Error! Bookmark not defined.
4.	Consultees	Error! Bookmark not defined.
5.	Declaration	Error! Bookmark not defined.
6.	Effective period	Error! Bookmark not defined.
7.	Responsible Authorities	Error! Bookmark not defined.
7.1	Protection of children from harm	Error! Bookmark not defined.
7.2	Contact details	Error! Bookmark not defined.
8.	Interested parties	Error! Bookmark not defined.
10.	Enforcement	Error! Bookmark not defined.
11.	Functions under the 2005 Act	Error! Bookmark not defined.
11.1	Functions of the Licensing Authority	Error! Bookmark not defined.
11.2	Others' functions	Error! Bookmark not defined.

PART B: PREMISES LICENCES

1.	Premises Licence	Error! Bookmark not defined.
2.	Applications	Error! Bookmark not defined.
3.	Local Risk Assessments	Error! Bookmark not defined.
4.	Local Area Profile	Error! Bookmark not defined.
5.	Plans of the Premises	Error! Bookmark not defined.
6.	Decision Making	Error! Bookmark not defined.
7.	Other Mechanisms to address unruly behaviour	Error! Bookmark not defined.2
8.	Location	Error! Bookmark not defined.
9.	Meaning of "Premises"	Error! Bookmark not defined.2
10.	Premises "ready for gambling"	Error! Bookmark not defined.4
11.	Planning	Error! Bookmark not defined.4
12.	Duplication with other regulatory regimes	Error! Bookmark not defined.4
13.	Licensing Objectives	Error! Bookmark not defined.
13.1	Prevention of crime and disorder objective.....	15
13.2	Ensuring that gambling is conducted in a fair and open way objective	Error! Bookmark not defined.5
13.3	Protection of children and other vulnerable persons objective...	Error! Bookmark not defined.5
13.4	Vulnerable Persons.....	Error! Bookmark not defined.6
13.5	Door Supervisors	Error! Bookmark not defined.
13.6	Adult Gaming Centres.....	Error! Bookmark not defined.7
13.7	(Licensed) Family Entertainment Centres:.....	Error! Bookmark not defined.7
13.8	Casinos	18
13.9	Bingo Premises	18
13.10	Betting Premises.....	18
13.11	Tracks	18
13.12	Travelling Fairs.....	Error! Bookmark not defined.0
13.13	Provisional Statements	Error! Bookmark not defined.0
13.14	Reviews	Error! Bookmark not defined.1
13.15	Complaints against Licensed Premises.....	Error! Bookmark not defined.2

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

1.	Unlicensed Family Entertainment Centre gaming machine permits	Error!
	Bookmark not defined.3	

2.	(Alcohol) Licensed Premises - Gaming Machine Permits	Error! Bookmark not defined.4
3.	Prize Gaming Permits	Error! Bookmark not defined.5
4.	Club Gaming and Club Machines Permits	Error! Bookmark not defined.5
5.	Temporary Use Notices	Error! Bookmark not defined.6
6.	Occasional Use Notices	Error! Bookmark not defined.6
7.	Small Society Lotteries	Error! Bookmark not defined.6

APPENDICES

Appendix 1 – Licensing Authority delegations – Cotswold District Council	29
Appendix 2 - Responsible Authorities	Error!
Bookmark not defined.0	

GLOSSARY

Council	Cotswold District Council
Guidance	The Gambling Commission's "Guidance to Licensing Authorities" Latest edition
Licensing Authority	The Licensing Authority of Cotswold District Council
The 2005 Act	Gambling Act 2005
The 2003 Act	Licensing Act 2003

PART A: GENERAL MATTERS

1. The Licensing Objectives

The Gambling Act 2005 (“the Act”) requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives 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 carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

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

2. Introduction

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2022 and will continue until 30 January 2025. It must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

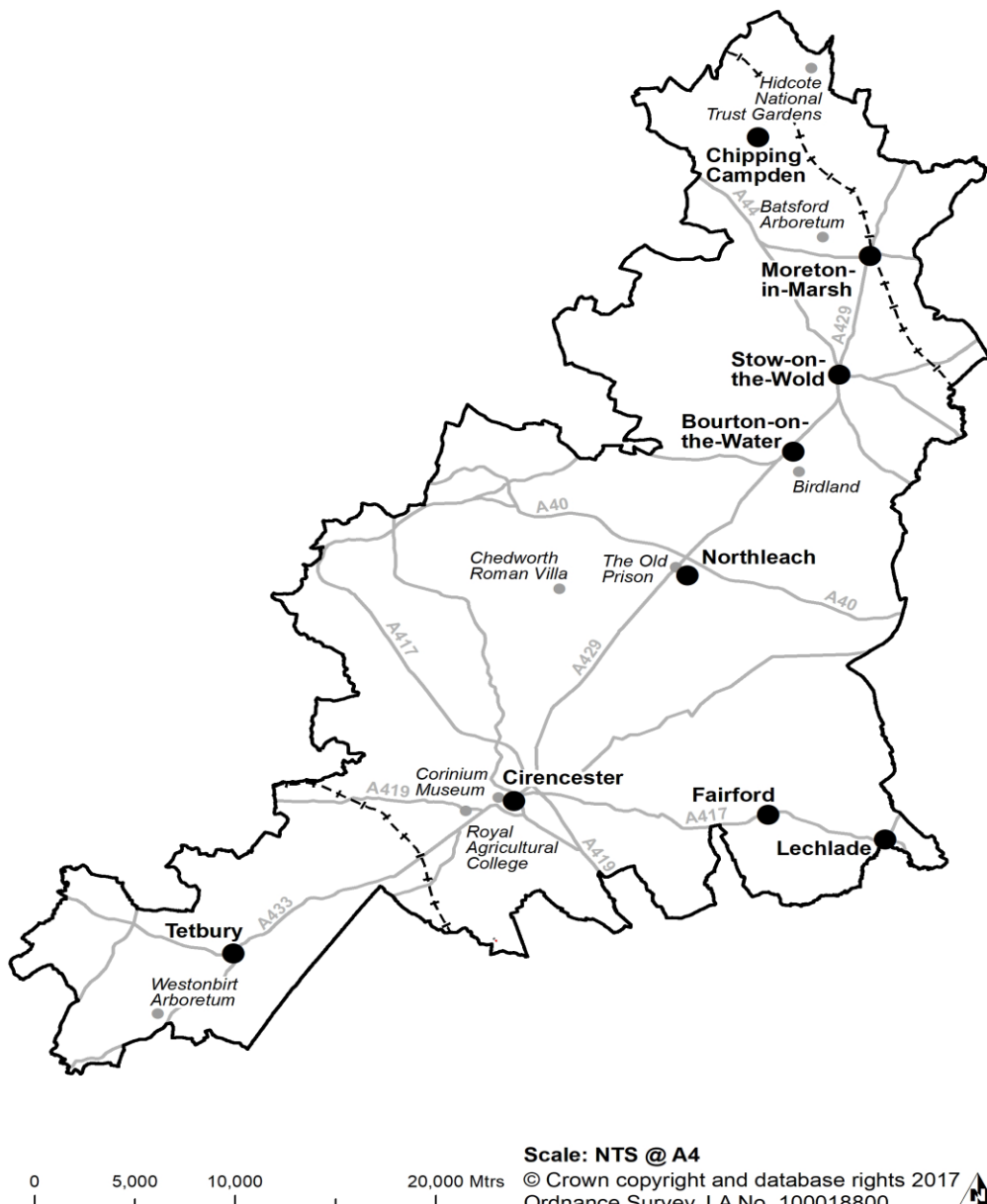
This document was approved by Full Council on TBC.

3. The Local Areas

3.1 The Cotswold District

The Authority is one of six district Councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns, Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury. It has a population of 85,000 with a strong economy and one of the lowest unemployment rates in the country. Tourism plays a major role in the district's economy, and the industry is worth over £1 billion across the Cotswolds Tourism area. A map of the area [450 sq miles] is shown below:

COTSWOLD DISTRICT



4. Consultees

The 2005 Act requires each Licensing Authority to consult the following parties:

- 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
- 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 the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- Gloucestershire Police
- Gloucestershire Safeguarding Children Partnership; Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority
- Environmental Health department
- Fire Service
- Consultation took place from 5 July to 26 September 2021

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

5. Declaration

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, Guidance, and any responses from those consulted on the policy statement.

6. Effective period

This Statement of Principles becomes effective on 31 January 2019.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) unless replaced sooner by a revised version that the Council adopts. At the date of publication, this licensing policy is expected to last until 30 Jan 2025.

7. Responsible Authorities

7.1 Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance to Local Authorities, this Authority designates the Gloucestershire Safeguarding Children Partnership (GSCP) for this purpose, comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary.

The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

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

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

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17 (*if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

9. Information Exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under

section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

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

10. Enforcement

Licensing authorities are required by Regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

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

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

11. Functions under the 2005 Act

11.1 Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

11.2 Others' functions

Spread betting is regulated by The Financial Services Authority.

The National Lottery is regulated by The National Lottery Commission.

PART B: PREMISES LICENCES

1. Premises Licence

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

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

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

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

2. Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;
an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or
has made an application for an operating licence which has not yet been determined.

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

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

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

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

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

3. Local Risk Assessments

The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

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

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

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder
- how vulnerable people, including people with gambling dependencies are protected

This authority will also expect local risk assessments to include, specifically, any relevant information about:

- Self exclusion details
- Attempts to gamble by under 18s
- Outcome(s) of test purchase results
- ASB issues on incident logs
- Police reports and call outs
- Sharing information with nearby agencies e.g. treatment centres
- Any protections in place when footfall is the highest
- Details of any best practise schemes such as Betwatch or similar

The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from 6 April 2016.

Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will
Statement of Principles - Gambling Act 2005 (2021) set out the measures the licensee has in place to address specific concerns.

This practice should reduce the occasions on which a premises review and the imposition of licence conditions are required.

4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

5. Plans of the Premises

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

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

6. Decision Making

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

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

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

7. Other Mechanisms to address unruly behaviour

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

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

8. Location

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

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, addiction clinics , help centres etc

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

9. Meaning of "Premises"

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

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

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: “Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

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

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

- Is a separate registration for business rates in place for the premises?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

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

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 Guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Family Entertainment Centre

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

10. Premises “ready for gambling”

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

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

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

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

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

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

11. Planning

The Guidance to Licensing Authorities states in Part 7:

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

This Authority will not take into account irrelevant matters as per the Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

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

12. Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

13. Licensing Objectives

13.1 Prevention of crime and disorder objective

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

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

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

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

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

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

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

13.3 Protection of children and other vulnerable persons objective

Access to Licensed Premises

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

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

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

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

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

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

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

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

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

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

13.4 Vulnerable Persons

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

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

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

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

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

13.5 Door Supervisors

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

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

13.6 Adult Gaming Centres

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

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

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

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

13.7 (Licensed) Family Entertainment Centres:

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

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

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

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

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

13.8 Casinos

There are currently no casinos operating within the District.

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

13.9 Bingo Premises

The Guidance in Part 18 states:

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

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

In Part 18 the Guidance states:

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

13.10 Betting Premises

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

13.11 Tracks

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

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

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

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

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

a) Gaming machines –

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

b) Betting machines –

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

c) Applications and plans -

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

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

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

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

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

13.12 Travelling Fairs

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

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

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

13.13 Provisional Statements

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

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

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

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

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

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

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

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

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

13.14 Reviews

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

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

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

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

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

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

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

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

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

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

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

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

13.15 Complaints against Licensed Premises

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

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

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

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

I. Unlicensed Family Entertainment Centre gaming machine permits

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

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

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

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

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

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

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

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- staff are trained to have a full understanding of the maximum stakes and prizes.

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

2. (Alcohol) Licensed Premises - Gaming Machine Permits

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

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

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

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

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

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

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

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

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

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

3. Prize Gaming Permits

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

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

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

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

4. Club Gaming and Club Machines Permits

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

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs,. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- the applicant does not 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;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

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

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

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

This Licensing Authority will refuse such applications if:

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

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

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

5. Temporary Use Notices

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

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

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

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

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

6. Occasional Use Notices

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

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

7. Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months
- after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

by, or on behalf of, a charity or for charitable purposes

to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this Licensing Authority for further advice.

APPENDICES

Appendix 1 – Licensing Authority delegations for Cotswold District

Appendix 2 – Responsible Authorities

Appendix I – Licensing Authority delegations – Cotswold District

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

Appendix 2 - Responsible Authorities

The Responsible Authorities under the 2005 Act and their contact details are as follows.

Responsible Authority	Address	Telephone number and email address
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666 info@gamblingcommission.gov.uk
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 licensing@gloucestershire.pnn.police.uk
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 fire.safety@glosfire.gov.uk
Gloucestershire Children Safeguarding Partnership		Police are a member of the partnership and will act on behalf of GCSP – see Police contact above
Environmental Services -Public Protection	Operations Team Environmental and Regulatory Services Cotswold District Council Trinity Road Cirencester GL7 1PX	01285 623000 ers@publicagroup.uk
Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000 planning@cotswold.gov.uk
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	publichealth@gloucestershire.gov.uk

This page is intentionally left blank

Agenda Item 9



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 19 JANUARY 2022
Report Number	AGENDA ITEM 9
Subject	COTSWOLD DISTRICT COUNCIL DRAFT SCHEDULE OF MEETINGS 2022-23
Wards affected	All
Accountable member	Cllr Joe Harris – Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver – Chief Executive Email: Robert.Weaver@cotswold.gov.uk
Summary/Purpose	To receive the draft Schedule of Meetings for the civic year 2022-23.
Annexes	Annex A – Draft Schedule of meetings 2022-23
Recommendation(s)	<i>That the Council approves the schedule of meetings for 2022-23.</i>
Corporate priorities	Delivering our services to the highest standards
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Senior Management Team, Leader of the Council, Deputy Leader of the Council and Committee Chairs.



1. BACKGROUND

- 1.1** The draft schedule of meetings is presented to Council and is formulated on a similar basis to the 2021-22 schedule.

2. MAIN POINTS

- 2.1** At Full Council on 18 November 2020, the timings of meetings for the 2021-22 municipal year was approved.
- 2.2** For 2022-23, Council meetings will remain either at 2pm or 6pm (in principle summer meetings (during BST) will be held at 6pm and winter meetings (during GMT) at 2pm with the exception being the February Budget/Council Tax meeting which will be held at 6pm);
- 2.3.** For 2022-23, the Planning and Licensing Committee will continue to alternate the start time of its meetings so that they commence at 10:00 one month and 14:00 the next.
- 2.4.** For 2022-23, Overview and Scrutiny and Audit Committee meetings shall continue to start at 4pm.
- 2.5.** It is considered that the meetings for 2022-23 should remain at the times above due to the 2021-22 meeting schedule operating well.
- 2.6** The Council remains committed to enable the transparency which is sought by Members.
- 2.7** Meetings will continue to be held in the Council Chamber at Trinity Road, Cirencester unless Government guidance in light of the Covid-19 pandemic changes and a return to remote meetings is mandated.
- 2.8** Technology, namely Google Meet and Webex, has been utilised to facilitate meetings which are not legally required to take place physically. This has assisted in reducing travel to a central location.
- 2.9** The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Part 3 - Modification of meetings and public access requirements) allowed virtual meetings to take place during the Covid-19 pandemic.
- 2.10** The Council continues to lobby Central Government in relation to the enacting of legislation to enable the Council to hold meetings remotely/on a hybrid basis. The Council will explore remote/hybrid meetings if the associated legislation permits this approach in the future.



- 2.11 The Council may wish to consider how technology can be utilised in order to facilitate non-decision making meetings, i.e. that Council discusses the possibility of these meetings being held remotely/using a hybrid approach. Such meetings could include (but are not limited to) task and finish groups, working groups, Scrutiny Committee meetings and licensing panels for example.
- 2.12 Current legislation requires only the decision makers to be present in person in the same place at the same time. There is no equivalent statutory requirement for Officers to attend in person. Additionally, meetings of the Licensing Committee for applications under the Licensing Act 2003 can still be held virtually.
- 2.13 Due to the Cotswold District Council elections taking place on 4 May 2023, the meetings scheduled for this month have been proposed to recognise this:
- Licensing Sub-Committee would usually be held on Wednesday 3 May. **It is proposed this will instead will take place on Wednesday 10 May.**
 - Cabinet would usually be held on Monday 8 May. **It is proposed this will instead will take place on Monday 15 May.**
 - Planning and Licensing Committee would usually be held on Wednesday 10 May. **It is proposed this will instead will take place on Wednesday 17 May.**
 - Overview and Scrutiny Committee would usually take place on Tuesday 16 May. **It is proposed this will instead will take place on Tuesday 23 May.**

3. FINANCIAL IMPLICATIONS

- 3.1 At the present time, with the majority of meetings now being held physically, Councillors are entitled to claim mileage expenses for attending meetings. This could increase expenditure on mileage claims.

4. LEGAL IMPLICATIONS

- 4.1 There are no specific legal implications arising from the recommendations in this report.

5. RISK ASSESSMENT

- 5.1 There are no key risks expected to arise from this item. However, the Council has a general duty of care to its Members and Officers, which should be borne in mind.



6. EQUALITIES IMPACT

- 6.1** Not required as a whole. However, individual proposals may require an analysis to be carried out.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1** Virtual meetings during the early part of the 2021-22 municipal year resulted in fewer car journeys and therefore lower emissions from combustion engines. With meetings having now returned to pre-pandemic arrangements, the impact of this may increase emissions.

8. ALTERNATIVE OPTIONS

- 8.1** The Council could continue with the existing arrangements or put forward an alternative.

9. BACKGROUND PAPERS

- 9.1** None

(END)

Annex A - Draft Schedule of Meetings - 2022/23

May	June	July	August	September	October	November	December	January	February	March	April	May
01 Sun	01 Wed	01 Fri	01 Mon	01 Thur	01 Sat	01 Tue	01 Thur	01 Sun	01 Wed	01 Wed	01 Sat	01 Mon BH
02 Mon BH	02 Thur BH	02 Sat	02 Tue	02 Fri	02 Sun	02 Wed	02 Fri	02 Mon BH	02 Thur	02 Thur	02 Sun	02 Tue
03 Tue	03 Fri BH	03 Sun	03 Wed	03 Sat	03 Mon CAB	03 Thur	03 Sat	03 Tue	03 Fri	03 Fri	03 Mon CAB	03 Wed
04 Wed	04 Sat	04 Mon CAB	04 Thur	04 Sun	04 Tue	04 Fri	04 Sun	04 Wed	04 Sat	04 Sat	04 Tue	04 Thur
05 Thur	05 Sun	05 Tue	05 Fri	05 Mon CAB	05 Wed	05 Sat	05 Mon CAB	05 Thur	05 Sun	05 Sun	05 Wed	05 Fri
06 Fri	06 Mon CAB	06 Wed	06 Sat	06 Tue	06 Thur	06 Sun	06 Tue	06 Fri	06 Mon CAB	06 Mon CAB	06 Thur	06 Sat
07 Sat	07 Tue	07 Thur	07 Sun	07 Wed	07 Fri	07 Mon CAB	07 Wed PL (2)	07 Sat	07 Tue	07 Tue	07 Fri BH	07 Sun
08 Sun	08 Wed	08 Fri	08 Mon	08 Thur	08 Sat	08 Tue	08 Thur	08 Sun	08 Wed PL (2)	08 Wed PL (10)	08 Sat	08 Mon
09 Mon CAB	09 Thur	09 Sat	09 Tue	09 Fri	09 Sun	09 Wed PL (10)	09 Fri	09 Mon CAB	09 Thur	09 Thur	09 Sun	09 Tue
10 Tue	10 Fri	10 Sun	10 Wed PL (2)	10 Sat	10 Mon	10 Thur	10 Sat	10 Tue	10 Fri	10 Fri	10 Mon BH	10 Wed LSC
11 Wed PL (10)	11 Sat	11 Mon	11 Thur	11 Sun	11 Tue	11 Fri	11 Sun	11 Wed PL (10)	11 Sat	11 Sat	11 Tue	11 Thur
12 Thur	12 Sun	12 Tue	12 Fri	12 Mon	12 Wed PL (2)	12 Sat	12 Mon	12 Thur	12 Sun	12 Sun	12 Wed	12 Fri
13 Fri	13 Mon	13 Wed PL (10)	13 Sat	13 Tue	13 Thur	13 Sun	13 Tue	13 Fri	13 Mon	13 Mon	13 Thur	13 Sat
14 Sat	14 Tue	14 Thur	14 Sun	14 Wed PL (10)	14 Fri	14 Mon	14 Wed	14 Sat	14 Tue	14 Tue	14 Fri	14 Sun
15 Sun	15 Wed PL (2)	15 Fri	15 Mon	15 Thur	15 Sat	15 Tue	15 Thur	15 Sun	15 Wed C (6)	15 Wed C (2)	15 Sat	15 Mon CAB
16 Mon	16 Thur	16 Sat	16 Tue	16 Fri	16 Sun	16 Wed C (2)	16 Fri	16 Mon	16 Thur	16 Thur	16 Sun	16 Tue
17 Tue	17 Fri	17 Sun	17 Wed	17 Sat	17 Mon	17 Thur	17 Sat	17 Tue	17 Fri	17 Fri	17 Mon	17 Wed PL (10)
18 Wed	18 Sat	18 Mon	18 Thur	18 Sun	18 Tue	18 Fri	18 Sun	18 Wed C (2)	18 Sat	18 Sat	18 Tue	18 Thur
19 Thur	19 Sun	19 Tue	19 Fri	19 Mon	19 Wed	19 Sat	19 Mon	19 Thur	19 Sun	19 Sun	19 Wed PL (2)	19 Fri
20 Fri	20 Mon	20 Wed C (6)	20 Sat	20 Tue OS	20 Thur	20 Sun	20 Tue	20 Fri	20 Mon	20 Mon	20 Thur	20 Sat
21 Sat	21 Tue OS	21 Thur A	21 Sun	21 Wed C (6)	21 Fri	21 Mon	21 Wed LSC	21 Sat	21 Tue	21 Tue OS	21 Fri	21 Sun
22 Sun	22 Wed	22 Fri	22 Mon	22 Thur	22 Sat	22 Tue OS	22 Thur	22 Sun	22 Wed LSC	22 Wed LSC	22 Sat	22 Mon
23 Mon	23 Thur	23 Sat	23 Tue	23 Fri	23 Sun	23 Wed LSC	23 Fri	23 Mon	23 Thur	23 Thur	23 Sun	23 Tue OS
24 Tue	24 Fri	24 Sun	24 Wed LSC	24 Sat	24 Mon	24 Thur	24 Sat	24 Tue OS	24 Fri	24 Fri	24 Mon	24 Wed
25 Wed C(am) (2)	25 Sat	25 Mon	25 Thur	25 Sun	25 Tue	25 Fri	25 Sun	25 Wed LSC	25 Sat	25 Sat	25 Tue	25 Thur
26 Thur LSC	26 Sun	26 Tue	26 Fri	26 Mon	26 Wed LSC	26 Sat	26 Mon BH	26 Thur A	26 Sun	26 Sun	26 Wed	26 Fri
27 Fri	27 Mon	27 Wed	27 Sat	27 Tue	27 Thur	27 Sun	27 Tue BH	27 Fri	27 Mon	27 Mon	27 Thur A	27 Sat
28 Sat	28 Tue	28 Thur LSC	28 Sun	28 Wed LSC	28 Fri	28 Mon	28 Wed	28 Sat	28 Tue	28 Tue	28 Fri	28 Sun
29 Sun	29 Wed	29 Fri	29 Mon BH	29 Thur A	29 Sat	29 Tue	29 Thur	29 Sun	29 Wed	29 Wed	29 Sat	29 Mon BH
30 Mon	30 Thur LSC	30 Sat	30 Tue	30 Fri	30 Sun	30 Wed	30 Fri	30 Mon	30 Thur	30 Thur	30 Sun	30 Tue
31 Tue		31 Sun	31 Wed		31 Mon		31 Sat	31 Tue		31 Fri		31 Wed C(am) (2)

CODE

C - Council (2 p.m./6 p.m.)

C(am) - Council Annual Meeting (2 p.m.)

CAB - Cabinet (6 p.m.)

Committees

PL - Planning & Licensing (10 a.m./2 p.m.)

A - Audit (4 p.m.)

OS - Overview & Scrutiny (4 p.m.)

Others

LSC - Licensing Sub Committee (4 p.m.)

BH - Bank Holiday

This page is intentionally left blank