

# Public Document Pack



**COTSWOLD**  
District Council

Tuesday, 19 November 2024

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## COUNCIL

A meeting of the Council will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 27 November 2024 at 2.00 pm.**

Rob Weaver  
Chief Executive

To: Members of the Council

(Councillors Nikki Ind, Mark Harris, David Cunningham, Dilys Neill, Tristan Wilkinson, Mike Every, Joe Harris, Roly Hughes, Julia Judd, Juliet Layton, Andrew Maclean, Gina Blomefield, Claire Bloomer, Nigel Robbins, Gary Selwyn, Lisa Spivey, Patrick Coleman, Ray Brassington, Tony Dale, Tom Stowe, Tony Slater, Helene Mansilla, Mike McKeown, David Fowles, Jeremy Theyer, Clare Turner, Chris Twells, Michael Vann, Jon Wareing, Ian Watson, Daryl Corps, Len Wilkins, Paul Hodgkinson and Angus Jenkinson)

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.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX  
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# AGENDA

1. **Apologies**  
To receive any apologies for absence. The quorum for Council is 9 members.
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** (Pages 11 - 44)  
To confirm the minutes of the meeting of Council held on 25 September 2024.
4. **Unsung Heroes Awards**  
For the Chair of Council to award the Unsung Heroes Awards.
5. **Announcements from the Chair, Leader or Chief Executive (if any)**  
To receive any announcements from the Chair of the Council, the Leader of the Council and the Chief Executive.
6. **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 one minute each and relate to issues under the Council's remit. At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.  
  
The Chair will ask whether any members of the public present at the meeting wish to ask a question and will decide on the order of questioners.  
  
The response may take the form of:
  - a) a direct oral answer;
  - b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
7. **Member Questions**  
A Member of the Council may ask the Chair, the Leader, a Cabinet Member or the Chair of any Committee a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District. A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

A Member may only ask a question if:

- a) the question has been delivered in writing or by electronic mail to the Chief Executive no later than 5.00 p.m. on the working day before the day of the meeting; or
- b) the question relates to an urgent matter, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by 9.30 a.m. on the day of the meeting.

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

The following questions were submitted prior to the publication of the agenda:

**Question 1 from Councillor Tom Stowe to Councillor Tristan Wilkinson, Cabinet Member for Economy and Environment**

In a recent press release CDC claimed that its economic growth strategy had created 500 new jobs in the district. Please could you quantify this claim and confirm where these jobs have been created?

**Question 2 from Councillor Gina Blomefield to Councillor Juliet Layton, Cabinet Member for Housing and Planning**

Cotswold District Council agreed in March 2024 to the implementation of the Second Homes Premium – doubling council tax for dwellings that are no one's sole or main residence.

How many properties are estimated to be second homes in the Cotswold District and what work is being carried out to identify these properties?

**Question 3 from Councillor Tom Stowe to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance and Transformation**

Many measures recently announced in the Government's budget were devastating for Cotswold Businesses and Residents. What impact will the various measures, including for example, increases in employer NI, have on the CDC budget?

**Question 4 from Councillor Julia Judd to Councillor Tristan Wilkinson,  
Cabinet Member for the Economy and Environment**

As discussed at the last two Council Meetings, the revised waste collection service in Ermin Ward, implemented on 24 June has improved but continues to be erratic. Please could Ubico be invited to address this Council on this topic?

**Question 5 from Councillor Tony Slater to Councillor Tristan Wilkinson,  
Cabinet Member for Economy and Environment**

Now that (hopefully) the worst of the missed collections associated with the new bin collection rounds have been resolved and the crews are less rushed, we must now focus on the quality of delivery.

I am receiving many complaints about emptied bins and bags being carelessly discarded in piles or even just left on the road, rather than being returned to their original position. I am also aware of a Cotswold resident sustaining severe injuries caused by tripping on recycling bags discarded on the road.

The current slap-dash approach not only leaves the council open to compensation claims, but also undermines our commitment to fostering "pride in place," often leaving the street scene in a state of disarray.

What measures are in place and what training is being given to ensure the bin crews leave empty bins and bags in a safe and tidy position?

**Question 6 from Councillor Len Wilkins to Councillor Tristan Wilkinson,  
Economy and Environment**

Whilst waste is a statutory service for CDC to deliver, our green bin service is contractual between CDC and residents who opt for the service. In view of the recent problems with Green Bin collections, especially in rural areas, is CDC going to apologise to residents and offer either a repayment of part of their annual charge or a reduction in next year's charges?

If the anticipated £500,000 annual savings from the reorganisation of rounds comes to fruition surely some token should be forthcoming.

**Question 7 from Councillor Jeremy Theyer to Councillor Tristan Wilkinson,  
Economy and Environment**

Please could you confirm what happens to the cardboard that is collected kerbside by UBICO on behalf of CDC, what onward processing is carried out and where does it take place?

**Question 8 from Councillor Daryl Corps to Councillor Joe Harris, Leader of the Council**

We have all seen the new and extensive rebranding of Cotswold District Council.

From the redesigned Crest to the 'new look' social media campaigns being rolled out, new email signatures and stationery, new security cards and straps for members and staff, printed branded bags, notebooks and water flasks, the list goes on!

Please could you confirm all costs and officer time incurred so far with this exercise and whether any external companies or consultants were employed in any way to create the new rebrand?

**Question 9 from Councillor David Fowles to Councillor Tristan Wilkinson, Cabinet Member for Economy and Environment**

Following the decision to close a number of the public toilets in the District and the reaction from Stow Town Council, what reaction have you and your predecessor had from other Town Councils, residents, the hospitality sector and tour operators?

**Question 10 from Councillor Daryl Corps to Councillor Juliet Layton, Cabinet Member for Housing and Planning**

Have the Grampian Conditions relating to Thames Water/Sewage on the Dunstall Farm development in Moreton in Marsh been breached?

**Question 11 from Councillor David Fowles to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance and Transformation**

I was very sad to read on the front page of the Standard on 14th November that the Living Memory Historical Association Museum have been evicted from the CDC owned cottage they have occupied for a number of years.

Beyond helping them financially with the storage of their artefacts, Could the Deputy Leader brief us on what support we are giving to the museum in their quest to find a new home?

**Question 12 from Councillor Dilys Neill to Councillor Juliet Layton, Cabinet Member for Housing and Planning**

I believe that Cabinet will be reviewing the Council's empty property strategy.

A recent article from the BBC reported that there were about 700,000 empty

properties in the UK, 260,000 could be regarded as long term empty. Earlier this year, it was reported that therefore more than 900 known empty properties in Cotswold District.

In addition, in my ward, while there has been some building in Stow over the last twenty years, the number of permanent residents has declined due to the proliferation of holiday lets.

Members of this council represent the opposition parties in National Government. Can we challenge the current government's policy that the only way to deal with the national housing shortage is by building 1.5 million new houses?

**Question 13 from Councillor Angus Jenkinson to Councillor Juliet Layton, Cabinet Member for Housing and Planning**

Cotswold Gate in my ward is an example of a development suffering under the effects of a developer failing to comply with their obligations under a Section 106 agreement on a development with a large public open space (POS) offering ecological, flood, and community benefits to the whole town. As development neared completion the developer was required to obtain a certificate of compliance with its varied obligations before occupancy of the final properties. Trees, roadways, meadowland and more should have been finished. The land should have been offered to the Town Council and to CDC. An annual payment of £10,000 p.a. (index linked from planning permission) was required for 10 years. A maintenance company with only residents as directors was to be set up. None of this happened! It has cost residents over £250,000. It has been and remains stressful despite CDC now tackling the issue energetically. I am advised that this is a national problem.

What is the scale of this issue in the Cotswold District and do Government legal and financial provisions enable us to tackle it adequately?

**8. Membership of Committees and Cabinet update**

Purpose

To inform Council regarding changes to the membership of the Cabinet and to agree a new appointment to the Overview and Scrutiny Committee.

Recommendations

That Full Council resolves to:

1. Note the update from the Leader of the Council regarding the change to the membership and responsibilities of Cabinet Members.
2. Agree to appoint from the Liberal Democrat Group Councillor Lisa Spivey to the Overview and Scrutiny Committee to replace Councillor Tristan Wilkinson.

9. **Council Tax Support Scheme for 2025/2026** (Pages 45 - 58)

Purpose

To consider and approve the revised Council Tax Support Scheme for the financial year 2025/2026.

Recommendations

That Full Council resolves to:

1. Approve the increase to income bands as detailed within paragraphs 3.2, 3.3 and Annex A of this report from 1 April 2025.
2. Agree that any surplus in the Hardship Fund is transferred over to 2025/2026 for reasons detailed in paragraphs 3.6 and 3.7 of this report

10. **Gambling Act 2005 Statement of Principles (Policy) Review 2024** (Pages 59 - 96)

Purpose

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

Recommendations

That Full Council approve:

1. The Statement of Principles; and,
2. That the Council continues to adopt a "no-casino resolution" for inclusions in the published Gambling Act 2005 Licensing Policy Statement.

11. **Request for a dispensation pursuant to Section 85(1) Local Government Act 1972** (Pages 97 - 100)

Purpose

To determine whether a dispensation for Councillor Tony Dale may be granted under the provision of Section 85(1) of the Local Government Act 1972.

Recommendation

That Full Council resolves to:

1. Approve a dispensation for Councillor Tony Dale in accordance with Section 85(1) of the Local Government Act 1972, on the grounds of ill-health.

12. **Notice of Motions**

No motions have been received for consideration by Full Council.

13. **Next meeting**

The next meeting of Council will be held on Wednesday 22 January 2025.

14. **Matters exempt from publication**

If Council wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for Council to pass a resolution in accordance with the provisions of section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraph 3 of Schedule 12A of the Local Government Act 1972.

Council may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15. **Exempt Member Question response from previous minutes** (Pages 101 - 102)

(END)





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## **Minutes of a meeting of Council held on Wednesday, 25 September 2024**

### Members present:

Nikki Ind	Mark Harris	
Dilys Neill	Gary Selwyn	Jeremy Theyer
Tristan Wilkinson	Lisa Spivey	Clare Turner
Mike Evely	Patrick Coleman	Michael Vann
Joe Harris	Ray Brassington	Jon Wareing
Julia Judd	Tom Stowe	Ian Watson
Juliet Layton	Tony Slater	Daryl Corps
Andrew Maclean	Helene Mansilla	Len Wilkins
Gina Blomefield	Mike McKeown	Paul Hodgkinson
Nigel Robbins	David Fowles	Angus Jenkinson

### Officers present:

Andrew Brown, Democratic Services Business Manager	Robert Weaver, Chief Executive
Angela Claridge, Director of Governance and Development (Monitoring Officer)	Caleb Harris, Senior Democratic Services Officer
Ana Prelici, Governance Officer	Richard McEllistrum, Interim Development Management Manager
David Stanley, Deputy Chief Executive and Chief Finance Officer	Phil Martin, Assistant Director for Business Services

### **28 Apologies**

There were apologies received from Councillors Claire Bloomer, David Cunningham, Chris Twells, Roly Hughes and Tony Dale.

### **29 Declarations of Interest**

Councillor Ray Brassington declared a personal interest in respect of agenda item 11 – Sewage Summit Update. However it was confirmed that following discussions of this with the Monitoring Officer, he would be able to take part in the debate and vote.

There were no further declarations of interest made.

The minutes of the last Full Council meeting on 31 July 2024 were considered as part of the document pack.

Councillor Gina Blomefield raised a query regarding confusing wording on Page 22 of the document pack – Overview and Scrutiny Committee Annual Report 2023/24 - 5<sup>th</sup> bullet point, which read:

- *The Overview and Scrutiny Committee had also made a positive contribution through the recommendations to Cabinet. Many of these recommendations had been accepted as part of the recommendations.*

The Senior Democratic Services Officer indicated that this was a grammatical error and the latter wording would be changed to say that 'Many of these recommendations had been accepted by Cabinet as part of its resolutions.'

Council took the exempt minutes as read.

<b>Minutes of last meeting 31 July 2024 (Resolution)</b>		
RESOLVED: That subject to the amendments noted, the Full Council minutes of 31 July 2024 be APPROVED as a correct record.		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Every, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	27
Against	None	0
Conflict Of Interests	None	0
Abstain	Nikki Ind and Helene Mansilla	2
<b>Carried</b>		

### **31 Unsung Heroes Awards**

The purpose of this item was to present the Unsung Heroes Awards.

The Chair opened this item as the first award ceremony for residents within the Cotswold District who make a difference in their communities.

It was highlighted they had been overwhelmed by the number of nominations and that it was difficult for those judging to decide.

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The following runners up were announced: Brian McTear, Kelly Foreshew and Daphne Walton. The Chair noted their contributions to the communities within Cotswold District which included helping with the organisation of local communities, and supporting vulnerable residents and children.

The Chair then announced the winner Janne Bishop who had helped to organise Mindsong – a signing group for those residents suffering with dementia and other debilitating conditions. As Janne was not able to be present to collect her award, Councillor Andrew Maclean as the local member indicated that he would present the certificate on behalf of the Council.

### **32 Announcements from the Chair, Leader or Chief Executive (if any)**

The purpose of this item was to receive announcements from the Chair of Council, Leader of the Council and the Chief Executive Officer.

The Chair made the following announcements:

- The Chair wished to congratulate the achievements of all of the Olympians from the District at the Paris Olympics.
- It was noted that the next Town and Parish Council Forum at the Council Offices on 10 October 2024 was on the topic of cost of living. Agencies such as Citizens Advice Bureau would be in attendance and it was important that Members encouraged all Town and Parish Councils to attend.
- The Chair reminded Members to complete their cybersecurity training by 18 October 2024 following the recent cybersecurity incident at Tewkesbury Borough Council.
- Congratulations were given to North Cotswolds MP Sir Geoffrey Clifton-Brown following his election to the position of Chair of the Public Accounts Committee by his peers cross-party.
- The Chair noted the events she had attended as the Council's representative: Phoenix Festival Reception, Stones in their Pockets Gala Performance at the Barn Theatre, and RAF Fairford's civic leadership day followed by the 77<sup>th</sup> Air Force Ball.
- Thanks were given for the support for the Chair's Cotswold Way Challenge marking the 50<sup>th</sup> Anniversary of Cotswold District Council.

The Leader was then invited to make his announcements. The following announcements were given:

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- Congratulations was presented to the Chair on the money raised through the Cotswold Way Challenge and also to the Unsung Heroes that Council had recognised. It was noted that it was a true example of public service.
- Members were notified of Councillor Tony Dale's serious car accident in Italy whilst on holiday. It was noted that Councillor Dale was in the early stages of recovery in hospital following the incident. Whilst Councillor Dale would be away from his duties for a time, it was hoped he could return to Councillor duties soon. The Leader stated he would pass on the best wishes of all Members and keep them updated on progress.

The Chief Executive was then invited to make any announcements:

- Congratulations were given to the Chair on her Cotswold Way Challenge.
- Congratulations were also given to the Unsung Heroes as part of an initiative to recognise those who make a difference in their communities.
- Best wishes were also provided on behalf of all Council officers to Councillor Tony Dale for his recovery.

### **33 Public Questions**

There were no public questions.

### **34 Member Questions**

Member Questions and the responses can be found in the attached Annex A at the end of the minutes.

### **35 Petition: Retain the public toilets in the High Street/Market Square, Stow-on-the-Wold**

The purpose of this item was for Council to consider a petition submitted under the Local Petition Scheme (Part F of the Constitution).

The Chair invited the representative for the petition, Councillor Ben Eddolls, Chair of Stow Town Council, to present the petition. The following points were made:

- Whilst there was a recognition of the financial challenges affecting the Council's decision to close the toilets, it was highlighted how the facilities were important for tourists visiting the area. Particularly those who come by coach.
- The area has two toilets in the Market Square and at Maugsbury Road car park and it was recognised that one of these facilities needed to be closed.
- Stow Town Council had been in negotiations with the Council to keep these open, but the financial burden to the Town Council would not be sustainable given the funding for facilities only coming from the precept levied on homeowners.
- The closure of the town centre facilities would have an impact on the town centre, particularly for those with accessibility needs if the facilities would close.

The Chair then reminded Members of the recommendations which were as on the report

That Council resolves to either:

1. Make recommendations to Cabinet as the decision-maker for the request to be considered.
2. Refer the petition to Overview and Scrutiny Committee for review.
3. Note the petition and take no further action.

The Deputy Leader and Cabinet Member for Finance, Councillor Mike Every, then responded to the petition, and made the following points:

- Councillor Ben Eddolls was thanked for bringing forward the petition for Council to consider.
- A formal response was then circulated to all Members in the room which read as follows:

This Council notes the petition signed by 1,198 people requesting the Council to retain the public toilets in High Street/Market Square, Stow-on-the-Wold.

This Council resolves to refer consideration of the petition to Cabinet, as it is the relevant decision-making body, for discussion and decision at its meeting on 3 October 2024

- Councillor Every and the Deputy Chief Executive had visited Stow on 11 September 2024 to discuss the future of the facilities, in addition to previous discussions with officers and the Town Council.
- Residents had been in touch with the Council about their concerns if the facilities were closed.
- Due to the financial challenges facing the Council, the Public Conveniences Review Group had looked at the operation of the non-statutory services.
- Based on the recommendations of the Working Group, Cabinet took a decision in February 2024 to retain one facility in all of the main localities where there were multiple facilities with exception of Bourton-on-the-Water where two higher usage facilities would be retained.
- Whilst Cabinet needed to make the determination, Councillor Every was minded to recommend to Cabinet to retain the Market Square toilets and close the facilities at Maugersbury Road following the representations made.

It was highlighted that Stow Town Council had worked hard to investigate whether they could take over the running of the toilets but had concluded that this was not possible for the Market Square toilets.

It was asked whether Stow Town Council or any businesses could take over the running of Maugersbury Road toilets and therefore retain both facilities. Councillor Neill as the Ward Member responded that the Town Council would need to consider any new proposal carefully to ensure they could financially support it.

Councillor Joe Harris formally seconded the resolution and made the following points:

- It was regrettable that some of the non-statutory services that councils used to provide could no longer be provided.
- The medium-term financial challenge meant that public conveniences had to be able to generate most of their own funding or the Council would have to see if there were any alternative delivery models.
- For communities across the District, it was highlighted that the Council would need to have an honest discussion about the future of services like public conveniences.

It was highlighted that many of these non-statutory services help to provide for the important tourism economy in the Cotswolds.

Councillor Every then summed up:

- The facilities in Maugersbury Road were largely the same to run in terms of costs as the facilities in the Market Square. Therefore, there was no additional budget pressure.
- Fees and charges were being examined to see how the facilities are financed in the future.

<b>Petition: Retain the public toilets in the High Street/Market Square, Stow-on-the-Wold (Resolution)</b>		
RESOLVED: That Full Council		
<ol style="list-style-type: none"> <li>1. NOTE the petition signed by 1,198 people requesting the Council to retain the public toilets in High Street/Market Square, Stow-on-the-Wold.</li> <li>2. AGREE to refer consideration of the petition to Cabinet, as it is the relevant decision-making body, for discussion and decision at its meeting on 3 October 2024</li> </ol>		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Every, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	29
Against	None	0
Conflict Of	None	0

Interests		
Abstain	None	0
<b>Carried</b>		

### **36 District Boundary Review - Council Size Proposal**

The purpose of the report was for Full Council to consider the draft Council Size Proposal for submission to The Local Government Boundary Commission for England (LGBCE).

The Deputy Leader, Councillor Evely as Chair of the Boundary Review Working Group, was then invited to introduce the report and made the following points:

- The Council agreed in 2023 to set up a Boundary Review Working Group to make recommendations on the size of the Council, the number of wards, the number of Councillors per ward and the ward names.
- Thanks were given to the Members of the group and the officers involved. Particularly the Business Manager for Democratic Services for the work done to formulate the submission document to the LGBCE.
- The proposals from officers regarding the Council Size were discussed during meetings of the group alongside the Member Survey which contributed to the final recommendations.
- An increase from 34 to 37 Councillors was recommended to maintain a consistent number of electors per councillor and to help councillors manage an increase in workload. This workload derived from the increase in the number of meetings and casework from residents.
- The preference for the Council would be to only have single member wards but it would be up to the LGBCE to determine the final warding.
- The report's recommendations based on cross-party discussions were welcomed.

Councillor David Fowles seconded the proposal and made the following points:

- Thanks were given to Councillor Evely as the Chair of the Boundary Review Working Group for his leadership on the group.
- Whilst the proposal was only a modest increase it represented a positive step for those Councillors whose workload had expanded.
- Thanks were given to the Electoral Services Manager for her work on the review of polling stations.

It was noted that the Gloucestershire Economic Growth Scrutiny Committee was replaced by the Gloucestershire Economic Strategy Scrutiny Committee. This was noted for correction in the document.

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It was highlighted by many Members that the report was comprehensive in its assessment of the current circumstances and thanks were given to the officers for this.

Councillor Every in summing up thanked Members for their comments and noted that recommendation 2 provided appropriate delegations for any final changes needed. The document was highlighted as part of an evidence-based exercise to summarise the needs of the Council.

<b>District Boundary Review - Council Size Proposal (Resolution)</b>		
RESOLVED: That Full Council		
1. APPROVE the draft Council Size Proposal (Annex A) for submission to The Local Government Boundary Commission for England.		
2. AGREE TO DELEGATE AUTHORITY to the Business Manager for Democratic Services, in consultation with the Chief Executive Officer and the Chair of the Boundary Review Working Group, to finalise the Council Size Proposal document to reflect the discussion at full Council (if required) and to make other minor amendments to improve the document prior to submission.		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Every, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	29
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

### **37 Treasury Management Outturn 2023/24**

The purpose of the report was to receive and discuss details of the Council's treasury management performance for the period 01 April 2023 to 31 March 2024.

The Deputy Leader and Cabinet Member for Finance, Councillor Every, moved the recommendations and made the following points:

- The Audit and Governance Committee had considered the report at its meeting on 23 July 2024.
- £967,000 more than projected had been received in treasury management income.
- The Council has no borrowing other than the Council's Climate Municipal Investment Bonds.



- The Council's investments performance was dependent on the baseline interest rate which had been higher in recent years. It was highlighted that the investment performance of the Council was in a similar range of Arlingclose's other clients.
- On pooled funds, it was highlighted that these were reviewed with Arlingclose and Council Officers but were held for a longer term to ensure a balance of risk.
- An arithmetic error raised at the Audit and Governance Committee in Table 1 had been corrected in this report.

A question was asked about Section 4.5 on the Community Municipal Investment was fully funded, and the workings of the £0.357M loan through Abundance Investments Limited for the purpose of the investments. The Deputy Chief Executive noted that the repayment would be for investors of the principal investments made and any interest owed. The bond covered the costs of the installation of Solar PV Panels at the Council Offices and the installation of some of the Electric Vehicle Charging Points (EVCPs) operated by the Council.

A question was asked regarding the financial advice providers Arlingclose and the optimum timeline to conduct a review of the arrangements and the criteria to do so. The Deputy Chief Executive stated that the selection of financial advisors was subject to a robust procurement process. It was also highlighted that advice from third parties was also sought, but ultimately the S.151 officer would be responsible for the final decision.

It was noted that the Council had a £1 million windfall from the investments but also a future requirement to borrow money in the Medium-Term Financial Strategy (MTFS). It was asked if the windfall could be held in a reserve to negate the requirement to borrow within the MTFS. There was also a question regarding the recommendations and whether the Council was approving the report or just noting it. The Deputy Chief Executive noted that the Council was required to receive the Treasury Management Strategy, the mid-year report and the outturn report from officers through the course of the year. Council was recommended to agree to endorse the report and its findings. The Deputy Leader then responded to the earlier question by highlighting that the higher-than-expected return was largely down to prudent budgeting. Whilst it was welcome that a larger return had been received, the Council was required to look at the return at the end of the year to see what funds were required to balance the Council's budget. The Deputy Chief Executive also clarified that the Council had set aside monies in an earmarked reserve for Treasury Management purposes due to the current statutory override in place on unrealised gains and losses on pooled fund investments. On future borrowing, this was set out in the 2024/25 MTFS which Council approved but that this was being kept under review to ensure the Council did not expend its resources on capital financing.

It was noted that the Council did not have any external borrowing for capital investments but instead was using internal borrowing against its own investments to avoid higher interest rates.

Councillor Evemy summed up and made the following points:

- Members were reassured regarding Arlingclose’s ability to advise the Council’s on treasury matters.
- The Council was using its own resources to avoid the higher interest rates for external borrowing, but the future of higher interest rates was not certain.

<b>Treasury Management Outturn Report 2023/24 (Resolution)</b>		
RESOLVED: That Full Council		
1. NOTE the Treasury Management performance for the period 01 April 2023 to 31 March 2024;		
2. APPROVE the Treasury Management Outturn Report for 2023/24.		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evemy, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	29
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

### **38 Sewage Summit Update**

The purpose of the report was to provide an update to all Councillors on the Sewage Summit event that took place on the 8 July 2024, the meetings held with the 3 water companies and 2 workshops that took place leading up to the event, along with outlining a series of recommendations associated with these.

Councillor Lisa Spivey, Cabinet Member for Communities and Public Safety introduced the report and made the following points:

- Thanks were given to all those involved including Council Officers, West Oxfordshire District Councillor Charlie Maynard and Councillor Angus Jenkinson for their work in this area. It was also noted that there were many voluntary organisations such as Windrush Against River Pollution (WASP) who had taken part in the work on sewage in rivers.

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- The report was a comprehensive overview of the problem following the Sewage Summit in July 2024.
- It was highlighted that this was a national problem which damages all waterways in the United Kingdom.
- The Council was only a small part of those organisations who could make a difference. However, the Environment Agency was one of the key government bodies to manage these issues and help oversee the operation of water companies.
- There were many risks involved with the issue of sewage, and the lack of upgrades to the sewage infrastructure that were needed.
- It was important that the Council used what powers it could to make a difference with new developments and urging for water companies to be made statutory consultees for planning applications.

Councillor Joe Harris formally seconded and reserved his right to speak.

A question was asked regarding the new MPs for the North and South Cotswolds constituencies and what dialogue would take place. Councillor Spivey stated that regular meetings would take place and she was confident that they would use their influence in Parliament to ensure action on this issue.

There was clarification sought on the definition of a 'matrix of Grampian conditions'. Councillor Spivey responded that these were planning conditions based on the size of developments proposed and what actions are needed. These were important to ensure the appropriate infrastructure was put in place where required.

There was a question on the current flood management team and how the new officer post would work. In response, Councillor Spivey highlighted that the Flood Risk Management Team would be key to assessing the risks from developments. However, there was a need for all stakeholders to come together to tackle these issues and for the Council to have a link with water companies.

A question was raised regarding the Grey Water Motion that was passed by Council and how work around grey water linked to the issue of flooding from sewage. Councillor Spivey noted the Council's online resources on grey water and reaffirmed the important work to reuse natural water where possible.

There was a question regarding the issue of run-off of agricultural chemicals from farmland and how this will be tackled. It was noted by Councillor Spivey that the issue of sewage in rivers was the primary focus given the Council's ability to have some influence but that the issue raised was important as part of improving water quality overall.

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It was asked if the use of the Council's resources was effective given that the issue could become part of a national cross-party campaign to improve water quality. Whilst taking the point onboard, Councillor Spivey noted that this was a very important issue where the Council needed to use its influence.

Councillor Harris seconded the report and made the following points:

- Congratulations were given on the strong report from officers.
- The Council was restrained by a statutory framework but had a leadership role to lobby government.
- The financial concerns of Thames Water was a problem for future housing and the infrastructure needed to make them habitable.
- There was a lack of confidence in the water companies' ability to provide a solution to the issue.
- Examples were provided across the District of multiple instances of hours of sewage dumping which were unacceptable.
- The Council would support the North Cotswolds MP Sir Geoffrey Clifton-Brown and South Cotswolds MP Dr Roz Savage MBE in their efforts to tackle this issue.

There were many comments regarding the lack of leadership from the water companies due to their setup as private companies.

Whilst the powers of the Council were limited, it was seen by many Members as important to utilise any leverage available.

The Grampian Conditions and the power of the regulator the Office for Water Services Regulation Authority were noted as important but needing to be strengthened to ensure they could use their powers effectively.

It was highlighted that the fines on water companies should be ring-fenced by the UK Government to ensure they are spent to tackle on pollution.

Several points were made regarding the anxiety felt by homeowners and businesses when they had been flooded repeatedly, which showed the much wider scope of problems caused by flooding.

Councillor Spivey then summed up the debate and made the following points:

- It was noted waterways should be protected for future.
- The issue of data capturing was difficult as the water companies were being relied on to provide accurate data.
- The development of the new Local Plan would have an important part to play in tackling this issue.

The Council then took a short break in proceedings.

<b>Sewage Summit Update (Resolution)</b>		
That Council resolves to:		
<ul style="list-style-type: none"> <li>I. Note the report and approve the following recommendations;               <ul style="list-style-type: none"> <li>a. The Chief Executive writes to Government requesting they:                   <ul style="list-style-type: none"> <li>i. Make Water Companies Statutory Consultees for both Development Control and in preparing Local and Strategic Plans;</li> <li>ii. Introduce clear mandatory controls on storm water drainage for all development.</li> </ul> </li> <li>b. Introduce a validation checklist and matrix of Grampian conditions.</li> <li>c. Incorporate policies within the new Local Plan to optimise water efficiency for new houses.</li> <li>d. Consider, subject to a business case and affordability including in the 2025-26 budget process funding for a specialist Officer to work with the Flood Risk Management Team and Planning service to liaise between Developers and the Water Companies along with related bodies.</li> <li>e. Continue to develop an effective Communication Strategy to outline to residents the statutory obligations and powers of each local government body and other relevant organisations such as the Environment Agency.</li> </ul> </li> </ul>		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evely, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	29
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

**39 Report of the Constitution Working Group - Planning Protocol and Scheme of Delegation**

The purpose of the report was to consider updates to the planning scheme of delegation and the planning protocol following a review in practice of the updated format of those parts adopted from 1 April 2024, for the benefit of all stakeholders.

The Cabinet Member for Planning and Regulatory Services, Councillor Juliet Layton, introduced the report and the amended Annex A.

The amendment read as follows:

Add text to right and column of section 3.A (page 151 of the Agenda) to add:  
Types of applications NOT to be determined under delegated powers...

(d) Planning applications, Permission in Principle and Technical Details Consent applications involving either (i) the provision of 10 or more dwellinghouses, (ii) where the number of new dwellinghouses is unknown, the residential development is proposed to land comprising 0.5 hectares or greater area, (iii) 1,000m<sup>2</sup> non-residential building floorspace or the development of 1 hectare or more land

(excluding any such applications where amendments of, or variations to, existing permissions are sought, as defined by Sections 73A and 73B of the Town & Country Planning Act 1990)

The following points were made:

- The Council in January 2024 approved a revised Scheme of Delegation and Planning Protocol for adoption within the Constitution.
- Following a review by the Constitution Working Group, the report from Planning officers was designed to correct irregularities that arose from a recent review of it. This included speaking rights for Ward Members within the Planning Protocol to ensure they only spoke before the debate. This was a change that had been made previously but had come out of the approved version in January in error.
- The updated Planning Protocol would help to provide consistency for the ways Members could refer applications to the Planning and Licensing Committee.
- The Scheme of Delegation included updates to provide clarity and wording updates within delegations to ensure officers using the scheme were sure of the rules under which they were operating.
- The changes built on the Planning Advisory Service (PAS) work which reviewed the scheme.
- The amendment proposed would ensure that large development applications would come to Planning and Licensing Committee automatically.

There was a question raised regarding if this was a procedure to refine the protocol rather than being a substantive change. Councillor Layton confirmed that this was simply a case of clarifying and correcting wording in the documents.

Following a question for clarity, it was confirmed that the amendment would be inserted at page 146 of the papers and not page 150 as stated.

A question was asked around whether relatives of Councillors would come under the restrictions of delegated authority use. This was confirmed by Councillor Layton as being correct.

There was also a question regarding Listed Building matters and declining to entertain an application. The Interim Development Management Manager noted that whilst rarely used, the authority can decline to hear an application if the application was being

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dealt with on appeal or was not substantially different from one previously rejected by the authority.

The rules of debate at Planning and Licensing Committee were then discussed as being different from those of Full Council or other Committees. The Interim Development Management Manager noted that all authorities were different but there was no set process for the determination of applications. Councillor Layton noted that the Constitution Working Group could look at that as part of its work programme.

Councillor Len Wilkins in seconding the recommendations noted that the Constitution Working Group had looked at the changes in great detail and was pleased to second them for agreement.

Councillor Layton then summed up the debate:

- Thanks were given for the questions raised.
- It was hoped that these changes should put the Scheme of Delegation and the Protocol on a firm footing.

<b>Report of the Constitution Working Group - Planning Protocol and Scheme of Delegation (Resolution)</b>		
RESOLVED: That Council		
1. APPROVE the changes and corrections to the Scheme of Delegation (as amended) in respect of the Planning & Licensing Committee.		
2. APPROVE the changes and corrections to Planning Protocol in respect of the Planning & Licensing Committee		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evey, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	27
Against	Andrew Maclean	1
Conflict Of Interests	None	0
Abstain	Jeremy Theyer	1
<b>Carried</b>		

#### **40 Review of Standards Arrangements**

The purpose of the report was to consider the adoption of procedure rules for the Standards Hearings Sub-Committee and a review of the Council's arrangements for dealing with complaints under the Code of Conduct.

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The Chair of the Audit and Governance Committee, Councillor Nigel Robbins, introduced the report and made the following points:

- The Localism Act 2011 put responsibility on Member standards on to local authorities.
- In 2023, the Gloucestershire-wide Code of Conduct was adopted by the Council.
- The Audit and Governance Committee reviewed the procedures in July 2024 before they came to Full Council which also included the creation of the procedure of the Standards Sub-Committee.
- The number of conduct cases from Town and Parish Councils was on the rise which was putting more burden on officers.
- It was important to have strong procedures to deal with these matters.

Councillor Helene Mansilla then seconded the recommendations and made the following points:

- Thanks were given to the officers for drafting the new processes to ensure the remain current and effective.
- The requirement for complaints in writing and timelines for investigations would provide clarity for all parties.
- It was crucial to keep procedures updated if a standards hearing should arise in the near future.
- The new procedure rules document had been informed by external legal advice and would help to ensure that the highest level of standards was achieved.

It was noted by Council that the documents were timely given the number of complaints relating to Town and Parish Councillors.

It was asked whether the information could be shared with the public to ensure they were aware of the processes. The Director of Governance confirmed that this information would be available on the website.

There was a question regarding page 179 on stage 1 of the complaints process regarding complaints being ruled out if they were not about Members acting in their role as a Councillor. The Director of Governance noted that the public would see Councillors as being their role all the time, so it was often difficult to distinguish between when a Councillor was and was not acting in their capacity as a Councillor. It was highlighted that the Monitoring Officer consulted with the Independent Persons when assessing complaints and would sometimes progress complaints to the investigation stage if there was any doubt.

The Council noted that the Sub-Committee terms of reference required 3 Members to attend to be quorate, and had a membership of 3 Members all drawn from the Audit and Governance Committee. It was therefore suggested that the use of deputies



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should be required to make sure that all Audit and Governance Committee members could step into the position if required.

There was a query regarding whether complaints should be in a written form, how this would affect current complaints and how different councils were managed if they had adopted different code of conducts. The Director of Governance replied firstly by stating that the form was a preference because it required complainants to provide all of the required information including what resolution or they were seeking in making a complaint. A hard copy form could also be provided to those not able to access digital services. It was clarified that not all Councillors within the District were covered by the Gloucestershire-wide Code of Conduct which was agreed by Full Council in 2023. Town and Parish Councils were encouraged to adopt the Gloucestershire-wide Code of Conduct. In regard to current complaints, if they were received before the meeting, these would be assessed under the old complaint handling arrangements but any hearing would be under the proposed document.

It was highlighted that the District Council had a leadership role with Town and Parish Councils to ensure good behaviour was encouraged, and to help manage the high number of complaints.

Councillor Robbins was then invited to sum up:

- It was highlighted that there needed to be a standard set of expectations for behaviour in public life.
- The procedures did allow for reconciliation measures, which should be explored wherever possible before going to a formal hearing.
- The Council may need to look at the threshold for the number of members of the Sub-Committee to ensure meetings could proceed.

As the meeting had been in session for 3 hours, a vote was taken as to whether the meeting should be extended for the final hour.

<b>Review of Standards Arrangements (Resolution)</b>		
RESOLVED: That Council		
1. APPROVE the updated arrangements for dealing with code of conduct complaints;		
2. APPROVE the procedure for the Standards Hearing Sub-Committee and to delegate authority to the Director of Governance & Development to make minor amendments to the procedure.		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evemy, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon	29

	Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

<b>Extension of the meeting (Resolution)</b>		
RESOLVED: That Full Council continues the meeting for the final hour.		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evey, David Fowles, Mark Harris, Joe Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Julia Judd, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Gary Selwyn, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	29
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

#### **41 Notice of Motions**

#### **42 Motion A: Safety of lithium batteries in e-scooters and e-bikes & their disposal**

The Chair Councillor Nikki Ind introduced the motion as the proposer, and made the following points:

- There has been an increase in e-scooters and e-bikes and safety standards for their batteries needed to keep pace.
- The fires that had taken place from these batteries had the potential to cause significant damage to property and potentially cause a loss of life.
- The request of the motion was to ask that the Council publicly supported the Support the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill, and asked both of the District's MPs to support it in Parliament.

Council noted that e-scooters and e-bikes were also a danger due their higher speed which may cause more accidents.

Council noted that the fires from lithium batteries were much more difficult to extinguish than normal fires.

It was highlighted that e-scooters were generally illegal and the police had a responsibility to enforce the current legislation around these motorised vehicles.

Councillor Mike McKeown then spoke as the seconder of the motion and made the following points:

- Transport in the Cotswolds was one the biggest sources of emissions of carbon dioxide and these vehicles had an important role in expanding active travel options.
- Many of the issues around e-bikes and e-scooter batteries were from the regulations around standards of batteries available compared to those of electric cars.
- This motion was regarding supporting the efforts to fill the gap in the regulations that currently exist for e-scooter and e-bikes specifically.

**Motion A: Safety of lithium batteries in e-scooters and e-bikes & their disposal (Motion)**

RESOLVED: That Full Council

1. AGREE to support the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill;
2. AGREE to request that the Leader of the Council writes to MP's Sir Geoffrey Clifton-Brown and Roz Savage to provide notice that the motion has been passed - request that the Safety of Electric-Powered Micromobility Vehicles and Lithium Batteries Bill is supported in Parliament;
3. AGREE that the Leader of the Council writes to the organisers of the cross-party campaign for the Bill, expressing our support ([electricalsafetyfirst.org.uk](http://electricalsafetyfirst.org.uk)).

For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	26
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

**43 Motion B: Ambulance motion**

The Chair called the proposer of the motion Councillor Paul Hodgkinson to introduce the motion. The following points were made in doing so:

- There had been sustained campaign efforts over 10 years regarding the poor ambulance response times across the Cotswold District and wider Gloucestershire area.

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- It was stated that the most urgent emergency calls that should arrive within 8 minutes and urgent calls arrive within 18 minutes, but these targets were not being achieved.
- The issues with ambulance response times was particularly a problem in rural parts of the area which were higher than those of more urban areas of Gloucestershire.
- The latest statistics for the District showed the severe issues with rural response times. Category 1 cases that should get to patients within 8 minutes were not being met with several examples highlighted of average response times in specific locations being over 20 minutes. Category 2 cases were also serious and should be responded to on average in 18 minutes. However, there were several places within the District where the average was around 60 minutes.
- The work of first responders and ambulances was commended for their dedication and care, but the service needed to improve for those patients waiting.
- The motion would ensure that there was a clear oversight of the work of the ambulance service and how it should improve.

Council noted the delay to ambulance response times because of the problems with the lack of available beds to take patients, and it was asked whether that work needed to be done to help the issue of response times. Councillor Hodgkinson responded by agreeing with the need for these bottlenecks to be cleared, but there needed to be further resources for the ambulance service.

Council asked how the motion could help get clarity of the local issues amidst the wider issues with the National Health Service. Councillor Hodgkinson noted that it was important for Councillors to hear from the management of the service to see what the issues were, and for the management to see how Members took these issues seriously.

There were various comments regarding the longstanding multi-faceted issues in the National Health Service and the social services sector which would have an impact on ambulance response performance.

Council commended the work of emergency response services in sometimes dangerous circumstances.

It was highlighted that there were issues with the real terms funding position of the National Health Service over various years.

Councillor Blomefield seconded the motion and made the following points:

- It was welcomed that the motion had a cross-party support and also the aim to have the relevant bodies engage with the Overview and Scrutiny Committee.

- An example of a resident in Chipping Campden who had died following a very long wait for an ambulance was highlighted to show the problems within the service.
- Community First Responders would be a key part of helping the ambulance service and former Councillor Stephen Andrews was one of these responders.
- It was hoped that the South West Ambulance Service would attend Overview and Scrutiny Committee at a future meeting.

<b>Motion B: Ambulance Motion (Motion)</b>		
RESOLVED: That Council		
<ol style="list-style-type: none"> <li>1. AGREED to instruct the Chief Executive to write to the CEO of SWASFT asking him for a full report on what steps he will be taking to improve ambulance response times in the Cotswold District as well as providing more support to grow the Community First Responder teams whose assistance is invaluable and thereafter invite him to attend the Overview and Scrutiny Committee to discuss his report and the actions resulting from it.</li> <li>2. AGREED to instruct the Chief Executive to write to the Chair of the county's Health Overview and Scrutiny Committee asking that committee to express this Council's concerns at its next meeting and to regularly scrutinise ambulance performance as a standard agenda item.</li> <li>3. AGREED to instruct the CEO to write to our two MPs asking them to raise this issue in Parliament and to lobby SWASFT on our behalf.</li> </ol>		
For	Gina Blomefield, Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evemy, Joe Harris, Mark Harris, Paul Hodgkinson, Nikki Ind, Angus Jenkinson, Juliet Layton, Andrew Maclean, Helene Mansilla, Mike McKeown, Dilys Neill, Nigel Robbins, Tony Slater, Lisa Spivey, Tom Stowe, Jeremy Theyer, Clare Turner, Michael Vann, Jon Wareing, Ian Watson, Tristan Wilkinson and Len Wilkins	26
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
<b>Carried</b>		

**44 Next meeting**

The next meeting of Full Council was noted to be on 27 November 2024.

**45 Matters exempt from publication**

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Council did not enter private session.

The Meeting commenced at 2.00 pm and closed at 5.37 pm

Chair

(END)

**Member Questions for Council – 25 September 2024**

Question	Response
<p><b>Question 1 from Councillor David Fowles to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</b></p> <p>Over the weekend of 7th and 8th September, a severe leak resulted in a huge amount of rainwater entering Trinity Road causing extensive damage to ceilings, storage rooms, paper files and the electrical system such that neither the heating nor security systems were operational.</p> <p>To my knowledge, over the 20 years I have worked in Trinity Road there have been several very heavy rainfalls ( particularly the floods of 2007) but no significant leaks or damage.</p> <p>Why has rainwater caused such extensive damage just after £1 million plus has been spent on major works to the roof? What steps are being taken to identify the cause and who is liable for the costs?</p>	<p>The section of the roof where the leak happened was not significantly changed during the recent roofing project. Only minor repairs were done in that area, and they were completed to the correct standards. We don't believe those repairs caused the leak.</p> <p>The problem seems to have been caused by the extremely heavy rainfall. The rainwater couldn't drain away fast enough, so it rose up from a sump (a low spot where water collects and drains through a downpipe) and seeped under the roof tiles. To investigate further, we are using cameras to inspect the internal downpipes for blockages or leaks. Since these pipes run inside the building, they can't be checked from outside.</p> <p>There haven't been leaks in this area before, so no redesign or extra protection was considered necessary. However, we are now planning and costing measures to prevent this from happening again.</p> <p>The Council is working with its insurer, and a loss adjuster has already visited the site. The damage to the building and server room will be included in the insurance claim.</p> <p>This administration is clear that Trinity Road will remain the Council's home for the foreseeable future and the administration is committed to investing in the building to ensure it remains a great workplace, fostering creativity</p>

and enabling our staff to deliver their best for residents.



**Supplementary question from Councillor David Fowles to Councillor Mike Evely, Deputy Leader and Cabinet Member for Finance**

Councillor Fowles thanked Councillor Evely for his answer and to officers for their work in dealing with the situation at Trinity Road. It was asked if there were any other buildings affected by rainwater and would there be a survey of the Council's properties to avoid a similar situation in the future.

Councillor Evely confirmed that there had been some issues at the Old Station due to its condition, but this was being managed by officers. It was noted that the incident at Trinity Road was a reminder of the risks posed from having older buildings which have required more maintenance, and that staff had worked hard over unsociable hours to respond to the incidents. Asset Management Plans for all of the Council's properties were being drawn up to survey the current status of these assets, and these would come forward for discussion and decisions.

**Question 2 from Councillor Tony Slater to Councillor Mike Evely, Deputy Leader and Cabinet Member for Finance**

The recent flood at Trinity Road caused significant damage to the building, critical IT infrastructure and stored documents, and had a seriously detrimental impact on the ability to work effectively from the

The flooding at Trinity Road affected the building's connectivity and security doors, but all council services to residents continued as normal. This was managed with a reduced number of staff working on-site and through home working.

Wi-Fi connectivity was restored for most areas, and public Wi-Fi, along with the webcasting system in the Council Chamber, was operational by the

<p>building.</p> <p>Please can you confirm that all critical data and records, whether stored digitally or in paper hard copy, were safely recovered and not compromised in anyway and what control measures are in place to ensure the resilience of CDC infrastructure in the future?</p>	<p>planning committee meeting on the 11th. Video conferencing in key rooms was also reinstated within a few days.</p> <p>Regarding data safety, there were no storage systems located in the affected ICT Network Distribution room. All data is stored elsewhere within Trinity Road and is backed up to other locations at least once every 24 hours, sometimes more frequently.</p> <p>The property and ICT teams worked efficiently, even during evenings and weekends, to resolve the issues, and they were instrumental in restoring services quickly. Their efforts are a credit to the Council.</p>
<p><b>Supplementary from Councillor Tony Slater to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</b></p> <p>Councillor Slater thanked Councillor Evemy for his answer. It was noted that some organisations have data centres off-site or through a cloud based solution, and it was asked whether this would be an appropriate option for CDC to prevent catastrophic loss of data given the fragility of the Trinity Road offices?</p>	<p>Councillor Evemy replied that the Council did have backups to ensure data was protected. However, he was not aware of the specifics regarding the ICT systems of the Council, and a written answer would be given following consultation with the relevant officers.</p>
<p>A supplementary response was provided to Councillor Tony Slater by email on 30 September 2024. However, due to the sensitive</p>	

information around ICT infrastructure, the response is marked as exempt under Schedule 12A Para. 3 Local Government Act 1972.

**Question 3 from Councillor Len Wilkins to Councillor Joe Harris, Leader of the Council**

Following the recent cyber-attack on neighbouring Tewkesbury Borough Council, please could you confirm that discussions will take place with Tewkesbury and other specialist external bodies involved in resolving the matter, to fully understand the causes and any lessons that can be learnt?

Are you satisfied that member and staff training on cyber security is sufficient and there is a policy of continual improvement in this area to battle this ever-evolving threat?

Yes, I can confirm that our ICT team has already been in contact with Tewkesbury Borough Council and is working with them as they recover their systems. We have also shared technical information with other Districts and the County Council.

Once Tewkesbury has made further progress in their recovery, additional discussions will take place.

Over the past year, we have provided Cyber Security training to all members and staff. On 18th September, we started a Cyber refresher course, and following that, we will introduce Data Protection training, which includes aspects of Cyber Security.

Thanks to the Council's investment in August 2022, we now have a dedicated Cyber Team equipped with advanced security tools. We are continuously improving and upgrading these tools to stay ahead of cyber threats.

**Question 4 from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance**

Missed waste collections in Ermin Ward and other parts of the district over the last three months have been prolific, happily I can report that they have abated, but not yet ceased. However, throughout this period some

The waste team is committed to reviewing and improving the reporting processes following the recent round re-organisation. This review will include an evaluation of the entire online process, from residents reporting missed collections to crews addressing the issue, ensuring it is effective and allows residents to accurately report missed containers.

<p>residents have been unable to use the CDC website missed waste collection reporting tool, because a missed collection in their area had already been reported. This caused great frustration and concern, not only because missed collections could not be logged, but they could not tell what type of waste had already been reported, so people were left in the dark. Furthermore, many villages who had reported missed collections were not included in the published list. Is the reporting tool being redesigned to make it more accessible, accurate, transparent and easy to use?</p>	<p>The review will also look into the messages residents receive when reporting missed collections. This will include issues like 'gate checks,' where crews may indicate bins weren't placed out for collection or were contaminated, which currently prevents residents from logging missed bins.</p> <p>Key stakeholders, including customer services and the digital team, will be involved in the review, and extensive user testing will be conducted to ensure the tool is accessible and easy to use.</p> <p>Once again, I apologise to residents who have been inconvenienced because of the issues that have arisen following the recent round reorganisation.</p>
<p><b>Supplementary from Councillor Julia Judd to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</b></p> <p>Councillor Judd thanked Councillor Evemy for his response. It was noted that residents were frustrated as they could not report their missed waste collections. It was asked how these systems were tested to ensure the data being collected was accurate?</p>	<p>Councillor Evemy noted the frustration of residents who could not access the online reporting systems. It was highlighted that this was being reviewed, and that he would work with all Members to get their perspectives and help make the systems accessible for residents. Some of the issues were due to wider service failures which were known by Ubico, and therefore could not be reported unless the follow-up collection had not been completed. It was highlighted that this could be made clearer to residents on the online process.</p>
<p><b>Question 5 from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</b></p> <p>Given the Deputy Prime Minister's enthusiasm for a nationwide introduction of a 4-day working week,</p>	<p>We currently have no plans to introduce a 4-day working week for staff at Cotswold District Council although we will continue to monitor how successful it is at other local authorities and businesses.</p>

<p>could the leader confirm that the Liberal Democrat administration have no plans to introduce a 4-day working week for staff at CDC?</p>	<p>If new legislation is proposed on this matter, we will carefully review the details and any obligations it may place on organisations like ours.</p> <p>For reference under a four-day week, officers are expected to carry out 100 per cent of their work, in around 80% of their contracted hours, for 100 per cent of their pay.</p> <p>I've recently returned from an LGA peer review at South Cambridgeshire District Council where they've been trialling a four-day week. An independent report has shown that the trial is working well; of 24 key performance indicators monitored by the Council 22 improved or remained the same. Use of expensive agency staff has fallen saving South Cambridgeshire taxpayers' money.</p>
<p><b>Supplementary from Councillor David Fowles to Councillor Joe Harris, Leader of the Council</b></p> <p>It was asked whether the response would mean that this is not being ruled out as an option, and how this would apply to partner organisations like Ubico?</p>	<p>Councillor Joe Harris reaffirmed that there were no current plans to do this, but that the Council would need to monitor any changes to legislation in the future and respond accordingly.</p>
<p><b>Question 6 from Councillor Daryl Corps to Councillor Joe Harris, Leader of the Council</b></p> <p>Your intention to build more, much needed, social-rented homes in the District is well publicised.</p>	<p>The delivery of social-rented homes is a key priority for the council's administration. Since May 2023, several steps have been taken to advance this goal, including the following:</p>

What steps has this administration taken since May 2023, and what plans do you have in place, to build more social-rented homes and how many new units do you envisage these plans will deliver by 2030?

1. **New Housing Leadership:** In May 2024, the Council hired a new Strategic Housing lead to take a more proactive role in delivering affordable housing.
2. **Site Allocation and Planning Policy Updates:** The Council is working on updating planning policies to prioritize affordable housing in the Local Plan update.
3. **Outreach to Landowners:** We are engaging with landowners of potential sites to bring these forward in tandem with the Local Plan update.
4. **Rural Exception Sites:** We are using Rural Exception Sites to deliver additional affordable housing, leveraging our membership in the Gloucestershire Rural Housing Partnership (GRHP) and our collaboration with the Gloucestershire Rural Community Council (GRCC).
5. **Strategic Site Exploration:** We are considering strategic sites across the Cotswold district for potential affordable housing development.
6. **Council-Owned Assets Review:** We are reviewing Council-owned assets for possible affordable housing opportunities.
7. **Public Sector Collaboration:** We are working with public sector partners (e.g., NHS, Fire and Rescue, Police) through the One Public Estate Programme to explore affordable housing options.
8. **Partnerships with Housing Providers:** We are encouraging Registered Providers and developers to be proactive and engaged in delivering affordable housing in the district.
9. **Collaboration with Homes England:** Strengthening our relationship with Homes England to gain their support in delivering affordable homes.

	<p>10. <b>Use of S106 Affordable Housing Funds:</b> We are establishing a protocol for using retained S106 funds to support further affordable housing provision.</p> <p>11. <b>Progression of the Down Ampney site:</b> We have entered a partnership with Bromford housing association and are progressing plans to deliver low-carbon affordable homes which will be built on a small plot of land in Down Ampney that the council owns. We hope to use this as a model for future small developments in villages.</p> <p>12. <b>Exploration of new models of housing delivery:</b> We are looking at how the council can more directly intervene in the housing market in future. This includes looking at the council directly delivering social rented homes again or establishing a housing company to do so like Cheltenham have in Cheltenham Borough Homes.</p> <p>Regarding the number of homes, the housing target is currently under review, due to new the new Labour Government's proposals to amend the National Planning Policy Framework (NPPF), which is still in consultation.</p> <p>The current Local Plan aims to deliver around 3,300 new homes (all tenures) from 2024 to 2031, though this figure may rise with the expected change.</p> <p>We welcome the new Government's emphasis on the delivery of social rented homes, and we await more details on what the impact in our District will be.</p>
<p><b>Supplementary from Councillor Daryl Corps to Councillor Joe Harris, Leader of the Council</b></p>	<p>Councillor Joe Harris noted that social rent was the most affordable tenure of housing for people in the Cotswolds where the cost of housing had gone up</p>

<p>It was noted that social rented homes were so important, and it was asked when the delivery of these homes would take place, and how would these be funded?</p>	<p>substantially. It was highlighted that a Housing Strategy document was being finalised, and this would be part of the Local Plan. In regard to the funding of new houses, this would be on a case-by-case basis and work with housing associations to bring schemes forward. However, the Council would be ambitious to deliver affordable housing for residents where it could.</p>
<p><b>Question 7 from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</b></p> <p>Having recently looked at the freshly renovated parts of the Trinity Road building which Watermoor Point are now marketing as office space on behalf of the council I was amazed at how big an area it is when also taking into account the various side offices on two floors off the main atrium. As I understand it there has been some interest, but no tenants are yet signed up.</p> <p>How attractive are the rents compared to those in Watermoor Point itself and is consideration being given to lower them should the market dictate, to attract tenants and much needed income from this asset?</p>	<p>The management agreement with Watermoor Point was finalised on 6 September, and the first tenant moved in on 18 September. Watermoor Point is currently marketing the remaining office space, and we expect additional tenants to move in soon.</p> <p>The rental rates are similar to those at Watermoor Point's HQ site, as Watermoor Point sets the rents based on current market conditions. The high-quality office space, competitive rent, and flexible terms offered to tenants are expected to generate significant interest.</p> <p>We will closely monitor and report on the income generated to ensure it meets our financial targets.</p>
<p><b>Supplementary from Councillor Gina Blomefield to Councillor Mike Evemy, Deputy Leader and Cabinet Member for Finance</b></p>	<p>Councillor Evemy noted that the original financial figures were reviewed in February 2024, but these were determined by the market interest. The Council was working with Watermoor Point to let space, and that there was interest in this. It was highlighted that there was no budgeted income, but</p>



Councillor Blomefield noted that the original plans for letting space to generate income had been delayed, since they were first presented to Members. It was asked when the Council could expect a sufficient number of tenants to meet the financial targets, and did these financial targets remain the same as from the original plans?

this would be monitored closely in order to make a projection for future income to be generated.

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Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>FULL COUNCIL – 27 NOVEMBER 2024</b>
Subject	<b>COUNCIL TAX SUPPORT SCHEME 2025/2026</b>
Wards affected	All
Accountable member	CLlr Mike Every – Deputy Leader and Cabinet Member for Finance Email: <a href="mailto:mike.every@cotswold.gov.uk">mike.every@cotswold.gov.uk</a>
Accountable officer	Jon Dearing - Assistant Director for Resident Services Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Summary/Purpose	To consider and approve the revised Council Tax Support Scheme for the financial year 2025/2026.
Annexes	Annex A – Financial Modelling Annex B – Equality Impact Assessment
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none"> <li>1. Approve the increase to income bands as detailed within paragraphs 3.2, 3.3 and Annex A of this report from 1 April 2025.</li> <li>2. Agree that any surplus in the Hardship Fund is transferred over to 2025/2026 for reasons detailed in paragraphs 3.6 and 3.7 of this report</li> </ol>
Corporate priorities	<ul style="list-style-type: none"> <li>• Supporting Communities</li> <li>• Delivering Good Services</li> </ul>
Key Decision	YES
Exempt	NO



Consultees/ Consultation	Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica)
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## 1. EXECUTIVE SUMMARY

**1.1** Council Tax Support is a scheme to reduce Council Tax bills for people on low income and/or who receive benefits. This report brings forward proposals to amend the scheme for 2025 in order to give more support to those on low incomes.

## 2. BACKGROUND

**2.1** Councils are required to review their Council Tax Support (CTS) schemes each year for those people of working age and decide if they want to make any changes.

## 3. MAIN POINTS

**3.1** The Council implemented its own local CTS scheme of support to help those people on low incomes pay their Council Tax in April 2013. Further changes were made in April 2020 introducing the income banded scheme.

**3.2** Annual wage growth is expected to be 4% in Q4 of 2024 and remaining at the same level during 2025. Without changes to the CTS scheme, this would result in more households being moved into a high-income band and therefore having to pay a higher share of the full Council Tax for their property.

**3.3** To continue to give support to households during the ongoing cost of living crisis, proposals are being made to increase income bands by 4% as follows:

Proposed 4% increase	Single	Couple	Lone +1	Lone +2	Lone +3	Lone +4	Couple +1	Couple +2	Couple +3	Couple +4	Entitlement
Band 1	0 - 148.82	0 - 176.38	0 - 203.94	0 - 225.99	0 - 248.04	0 - 292.14	0 - 270.09	0 - 292.14	0 - 314.18	0 - 358.28	100
Band 2	148.83 - 198.82	176.39 - 216.38	203.95 - 238.94	226.00 - 260.99	248.05 - 283.04	292.15 - 327.14	270.10 - 320.09	292.15 - 342.14	314.19 - 364.18	358.29 - 408.28	80
Band 3	198.83 - 248.82	216.39 - 266.38	238.95 - 288.94	261.00 - 310.99	283.05 - 333.04	327.15 - 377.14	320.10 - 370.09	342.15 - 392.14	364.19 - 414.18	408.29 - 458.28	60
Band 4	248.83 - 298.82	266.39 - 316.38	288.95 - 338.94	311.00 - 360.99	333.05 - 383.04	377.15 - 427.14	370.10 - 420.09	392.15 - 442.14	414.19 - 464.18	458.29 - 508.28	40
Band 5	298.83 - 348.82	316.39 - 366.38	338.95 - 388.94	361.00 - 410.99	383.05 - 433.04	427.15 - 477.14	420.10 - 470.09	442.15 - 492.14	464.19 - 514.18	508.29 - 558.28	20



- 3.4** Based on the current CTS caseload used for remodelling the scheme, there is no impact, either negative or positive on CTS claimants as all retain their initial modelling bands.
- 3.5** In 2022/2023 the Council implemented a Hardship Fund to support those residents who were struggling financially and provided the Council with evidence of financial hardship. This fund was created with financial support from Gloucestershire County Council, and Cotswold District Council. The fund was originally set at £40,000. To date there remains in excess of £33,000.
- 3.6** Recommendations are being made to transfer any funding surplus into the financial year 2025/2026 to ensure that the Council continues to support those residents in financial hardship.
- 3.7** The Council's client support officers continue to reach and offer additional support to who apply for this funding to ensure any long-term hardship is minimised. This might be through negotiating better details with utility companies, maximising benefit take-up, addressing expenditure or sign posting to another organisation for support,

#### **4. FINANCIAL IMPLICATIONS**

- 4.1.** The Council administers a CTS scheme with an annual expenditure of approximately £4.9 million. From 2013/2014, the Government reduced the level of funding for the local scheme effectively creating a grant reduction of 10% a year across all of the precepting authorities.
- 4.2** Any increase in the take-up of CTS will lead to a reduced tax-base and therefore reduced income to precepting bodies.
- 4.3** The proposed changes increase the estimated cost of the CTS scheme by approximately £28,000. This will be reflected in a decrease in the Council Tax base and Council Tax income recognised in the Collection Fund. The decrease in income will be spread proportionately across the major precepting authorities (Gloucestershire County Council, The Office of the Police and Crime Commissioner and Cotswold District Council as well as the Town and Parish Councils). Making these proposed changes will decrease the total tax base by the equivalent of 13 band D properties and a loss of income as follows:



Financial Year	GCC	Police	Town/Parish	Cotswold	Total
2025/2026	£20,645.03	£3,975.65	£1,392.92	£1,986.40	£28,000

**4.4** The reduction in Council Tax income retained by the Council of £1,986.40 will be taken into account as part of the 2025/2026 budget setting process.

## **5. LEGAL IMPLICATIONS**

**5.1.** The Welfare Reform Act 2012 abolished Council Tax Benefit and instead requires each authority to design a scheme specifying the reductions, are to apply to amounts of Council Tax.

**5.2** The CTS scheme is required under Section 13A of the Local Government Finance Act 1992 ("the Act"), as amended. The Act states that for each financial year, billing authorities must consider whether to revise their CTS scheme or replace it with another.

**5.3** The deadline for making decisions is 11 March in the financial year preceding that for which the revision or replacement scheme is to take effect (under paragraph 5, schedule 1A of the Act). If the Council does not make/revise a CTS scheme by 11 March 2025, a default scheme will be imposed on the Council, which will be effective from April 2025.

## **6. RISK ASSESSMENT**

**6.1** There are two risks to consider:

- That the benefit caseload increases significantly, resulting in expenditure exceeding the levels estimated within this report. To mitigate this risk monthly monitoring is conducted and any significant increase in caseload would be referred to the Chief Financial Officer.
- If the income bands are not increased in line with inflation, CTS for vulnerable households could reduce. This could cause reputational damage to the Council.

## **7. EQUALITIES IMPACT**



**7.1.** To ensure compliance with the Equality Act 2010 an equality impact assessment has been completed and attached to this report under Annex B.

**8. CLIMATE CHANGE IMPLICATIONS**

**8.1.** None

**9. ALTERNATIVE OPTIONS**

**9.1.** None.

**10. BACKGROUND PAPERS**

**10.1.**None.

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## ANNEX A – Council Tax Support Scheme (Cotswold District Council)

### 2024/2025 current income bands

No Change	Single	Couple	Lone +1	Lone +2	Lone +3	Lone +4	Couple +1	Couple +2	Couple +3	Couple +4	Entitlement
Band 1	0 - 143.10	0 - 169.60	0 - 196.10	0 - 217.30	0 - 238.50	0 - 280.90	0 - 259.70	0 - 280.90	0 - 302.10	0 - 344.50	100
Band 2	143.11 - 193.10	169.61 - 209.60	196.11 - 231.10	217.31 - 252.30	238.51 - 273.50	280.91 - 315.90	259.71 - 309.70	280.91 - 330.90	302.11 - 352.10	344.51 - 394.50	80
Band 3	193.11 - 243.10	209.61 - 259.60	231.11 - 281.10	252.31 - 302.30	273.51 - 323.50	315.91 - 365.90	309.71 - 359.70	330.91 - 380.90	352.11 - 402.10	394.51 - 444.50	60
Band 4	243.11 - 293.10	259.61 - 309.60	281.11 - 331.10	302.31 - 352.30	323.51 - 373.50	365.91 - 415.90	359.71 - 409.70	380.91 - 430.90	402.11 - 452.10	444.51 - 494.50	40
Band 5	293.11 - 343.10	309.61 - 359.60	331.11 - 381.10	352.31 - 402.30	373.51 - 423.50	415.91 - 465.90	409.71 - 459.70	430.91 - 480.90	452.11 - 502.10	494.51 - 544.50	20

### 2025/2026 proposed income bands

Proposed 4% increase	Single	Couple	Lone +1	Lone +2	Lone +3	Lone +4	Couple +1	Couple +2	Couple +3	Couple +4	Entitlement
Band 1	0 - 148.82	0 - 176.38	0 - 203.94	0 - 225.99	0 - 248.04	0 - 292.14	0 - 270.09	0 - 292.14	0 - 314.18	0 - 358.28	100
Band 2	148.83 - 198.82	176.39 - 216.38	203.95 - 238.94	226.00 - 260.99	248.05 - 283.04	292.15 - 327.14	270.10 - 320.09	292.15 - 342.14	314.19 - 364.18	358.29 - 408.28	80
Band 3	198.83 - 248.82	216.39 - 266.38	238.95 - 288.94	261.00 - 310.99	283.05 - 333.04	327.15 - 377.14	320.10 - 370.09	342.15 - 392.14	364.19 - 414.18	408.29 - 458.28	60
Band 4	248.83 - 298.82	266.39 - 316.38	288.95 - 338.94	311.00 - 360.99	333.05 - 383.04	377.15 - 427.14	370.10 - 420.09	392.15 - 442.14	414.19 - 464.18	458.29 - 508.28	40
Band 5	298.83 - 348.82	316.39 - 366.38	338.95 - 388.94	361.00 - 410.99	383.05 - 433.04	427.15 - 477.14	420.10 - 470.09	492.15 - 492.14	464.19 - 514.18	508.29 - 558.28	20

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## Equality and Rurality Impact Assessment Form

When completing this form you will need to provide evidence that you have considered how the 'protected characteristics' may be impacted upon by this decision. In line with the General Equality Duty the Council must, in the exercise of its functions, have due regard for the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This form should be completed in conjunction with the guidance document available on the Intranet

Once completed a copy should be emailed to [cheryl.sloan@publicagroup.uk](mailto:cheryl.sloan@publicagroup.uk) to be signed off by an equalities officer before being published.

1. Persons responsible for this assessment:

Names: Mandy Fathers

Date of assessment: 07/10/2024

Telephone: 01285 623571

Email: [mandy.fathers@cotswold.gov.uk](mailto:mandy.fathers@cotswold.gov.uk)

2. Name of the policy, service, strategy, procedure or function:

Existing – Council Tax Support Scheme 2025/2026

3. Briefly describe it aims and objectives

To make slight amendments to the Banding in the scheme

4. Are there any external considerations? (e.g. Legislation/government directives)

Section 13A of the Local Government Finance Act 1992 states a CTS scheme is required and Section 40 of the Local Government Finance Act 1992 states that the council must consult. Under paragraph 5, schedule 1A of the same Act, the Council is required to have a scheme approved by 11 March 2024.

5. What evidence has helped to inform this assessment?

Source	✓	If ticked please explain what
Demographic data and other statistics, including census findings	<input checked="" type="checkbox"/>	Demographic data was used when modelling the scheme
Recent research findings including studies of deprivation	<input type="checkbox"/>	
Results of recent consultations and surveys	<input type="checkbox"/>	
Results of ethnic monitoring data and any equalities data	<input type="checkbox"/>	
Anecdotal information from groups and agencies within Gloucestershire	<input checked="" type="checkbox"/>	Mary Cobbett, a valued third sector support advocate for the district has been consulted with
Comparisons between similar functions / policies elsewhere	<input checked="" type="checkbox"/>	Comparisons with previous schemes and those of neighbouring LA's has been considered
Analysis of audit reports and reviews	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	

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6. Please specify how intend to gather evidence to fill any gaps identified above:

N/A

7. Has any consultation been carried out?

No

If NO please outline any planned activities

N/A

8. What level of impact either directly or indirectly will the proposal have upon the general public / staff? (Please quantify where possible)

Level of impact	Response
NO IMPACT – The proposal has no impact upon the general public/staff	<input type="checkbox"/>
LOW – Few members of the general public/staff will be affected by this proposal	<input checked="" type="checkbox"/>
MEDIUM – A large group of the general public/staff will be affected by this proposal	<input type="checkbox"/>
HIGH – The proposal will have an impact upon the whole community/all staff	<input type="checkbox"/>
Comments: e.g. Who will this specifically impact?	

9. Considering the available evidence, what type of impact could this function have on any of the protected characteristics?

*Negative – it could disadvantage and therefore potentially not meet the General Equality duty;*

*Positive – it could benefit and help meet the General Equality duty;*

*Neutral – neither positive nor negative impact / Not sure*

	Potential Negative	Potential Positive	Neutral	Reasons	Options for mitigating adverse impacts
Age – Young People			✓	The proposal is inclusive to people of different age groups, but it is not specific to age	
Age – Old People			✓	The scheme is for working age people only – Pensioners have a different CTS scheme which is mandated by Central Government	
Disability			✓	The proposal is inclusive to people with disabilities but is not specific to disability	
Sex – Male			✓	The proposal is inclusive to all gender groups, but it is not specific to gender	
Sex – Female			✓	The proposal is inclusive to all gender groups, but it is not specific to gender	
Race including Gypsy and Travellers			✓	The proposal is inclusive to people of all races, but it is not specific to race	
Religion or Belief			✓	The proposal is inclusive to people of all religions, but it is not specific to religion	

Sexual Orientation			✓	This proposal is inclusive to all types of sexual orientation, but it is not specific to sexual orientation	
Gender Reassignment			✓	The proposal is inclusive to all gender groups, but it is not specific to gender	
Pregnancy and maternity			✓	The proposal is inclusive to people who are pregnant and/or on maternity, but it is not specific to this group	
Geographical impacts on one area			✓	The proposal is inclusive to the whole of the Cotswold district	
Other Groups			✓	This proposal is inclusive to all other groups that are not mentioned	
<b>Rural considerations:</b> ie Access to services; leisure facilities, transport; education; employment; broadband.			✓	The proposal is inclusive to the whole of the Cotswold district	

10. Action plan (add additional lines if necessary)

Action(s)	Lead Officer	Resource	Timescale
Change Policy when approved	Mandy Fathers	Craig Fisher	Following full Council approval in early 2025

11. Is there is anything else that you wish to add?

n/a
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## Declaration

I/We are satisfied that an equality impact assessment has been carried out on this policy, service, strategy, procedure or function and where an negative impact has been identified actions have been developed to lessen or negate this impact. We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment.

Completed By:	Mandy Fathers	Date:	07.10.24
Line Manager:	Jon Dearing	Date:	07.10.24
Reviewed by Corporate Equality Officer:	Cheryl Sloan	Date:	11/10/24

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Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>FULL COUNCIL – 27 NOVEMBER 2024</b>
Subject	<b>GAMBLING ACT 2005 – REVIEW OF THE STATEMENT OF PRINCIPLES</b>
Wards affected	All
Accountable member	Cllr Juliet Layton – Cabinet Member for Planning and Regulatory Services Email: <a href="mailto:Juliet.layton@cotswold.gov.uk">Juliet.layton@cotswold.gov.uk</a>
Accountable officer	Jon Dearing - Assistant Director for Resident Services Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Summary/Purpose	The report details the revisions to the Council’s Statement of Principles (Gambling Act 2005), based on legislative requirements, statutory guidance and any amendments following public consultation.
Annexes	Annex A – Draft Statement of Principles
Recommendation(s)	That Full Council approve: <ol style="list-style-type: none"> <li>1. The Statement of Principles; and,</li> <li>2. That the Council continues to adopt a “no-casino resolution” for inclusions in the published Gambling Act 2005 Licensing Policy Statement.</li> </ol>
Corporate priorities	<ul style="list-style-type: none"> <li>• Delivering Good Services</li> <li>• Supporting the Economy</li> </ul>
Key Decision	NO
Exempt	NO



**COTSWOLD**

District Council

Consultees/ Consultation	Chief Executive, Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director, Director of Finance (Publica) Consultation to Licensees and Partner Organisations, Licensing Committee
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## **1. EXECUTIVE SUMMARY**

**1.1** Section 349 of the Gambling Act 2002 (the "Act") requires licensing authorities before each successive period of three years to:

- Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and

**1.2** The next "successive period" starts on 31 January 2025. However, the Statement needs to be adopted by 31 December 2024 as it must be published at least 4 weeks before the date on which it comes into effect on the authority's website and also be available for inspection by the public.

**1.3** Before determining its Policy, the Authority is required to consult with the police, persons who represent the interests of gambling businesses and those who represent the interests of persons who are likely to be affected by gambling businesses.

## **2. BACKGROUND**

**2.1** The Gambling Act 2005 (the "Act") came into effect on 1 September 2007, and amongst other changes, have given to Local authorities new extended powers for licensing premises for gambling, including betting shops, family entertainment centres, casinos, bingo premises and gaming machine arcades. Local Authorities are also responsible for registering small society lotteries and for issuing permits to pubs and clubs for gaming machines.

**2.2** The Act contains three licensing objectives which underpin the functions that the Gambling Commission and the Licensing Authority must perform. They are:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime.
- b) Ensuring that gambling is conducted in a fair and open way; and
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **3. MAIN POINTS**

**3.1** The draft Statement of Principles have been subject to a 6-week consultation period which ended on Friday 25 October 2024.

**3.2** All consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website.



- 3.3** There were no comments made during the consultation period by any of the consultees.
- 3.4** 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 resolved not to issue licences to casinos in 2006. This decision was renewed at meetings in 2009, 2012, 2015 and 2022.
- 3.5** 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, then if the operator has the necessary planning permission, it is likely that the application for a casino would automatically be granted.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1.** There are no financial implications associated with this report. The Council receives income through licence fees, and this covers 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 2005. 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** Should the Licensing Authority fail to carry out a review it will fail to meet its statutory obligations under the Act.



**7. EQUALITIES IMPACT**

7.1. These are statutory functions and are applied nationally.

**8. CLIMATE CHANGE IMPLICATIONS**

8.1. None

**9. ALTERNATIVE OPTIONS**

9.1. None.

**10. BACKGROUND PAPERS**

10.1. None

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**COTSWOLD**  
District Council

# **GAMBLING ACT 2005**

## **Statement of Principles**

**This Statement of Principles applies from 31 Jan 2025  
until 30 Jan 2028  
(unless revised sooner)**

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## **GLOSSARY**

<b>Council</b>	Cotswold District Council
<b>Guidance</b>	The Gambling Commission's "Guidance to Licensing Authorities" Latest edition
<b>Licensing Authority</b>	The Licensing Authority of Cotswold District Council
<b>The 2005 Act</b>	Gambling Act 2005
<b>The 2003 Act</b>	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 2025 and will continue until 30 January 2028. 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.

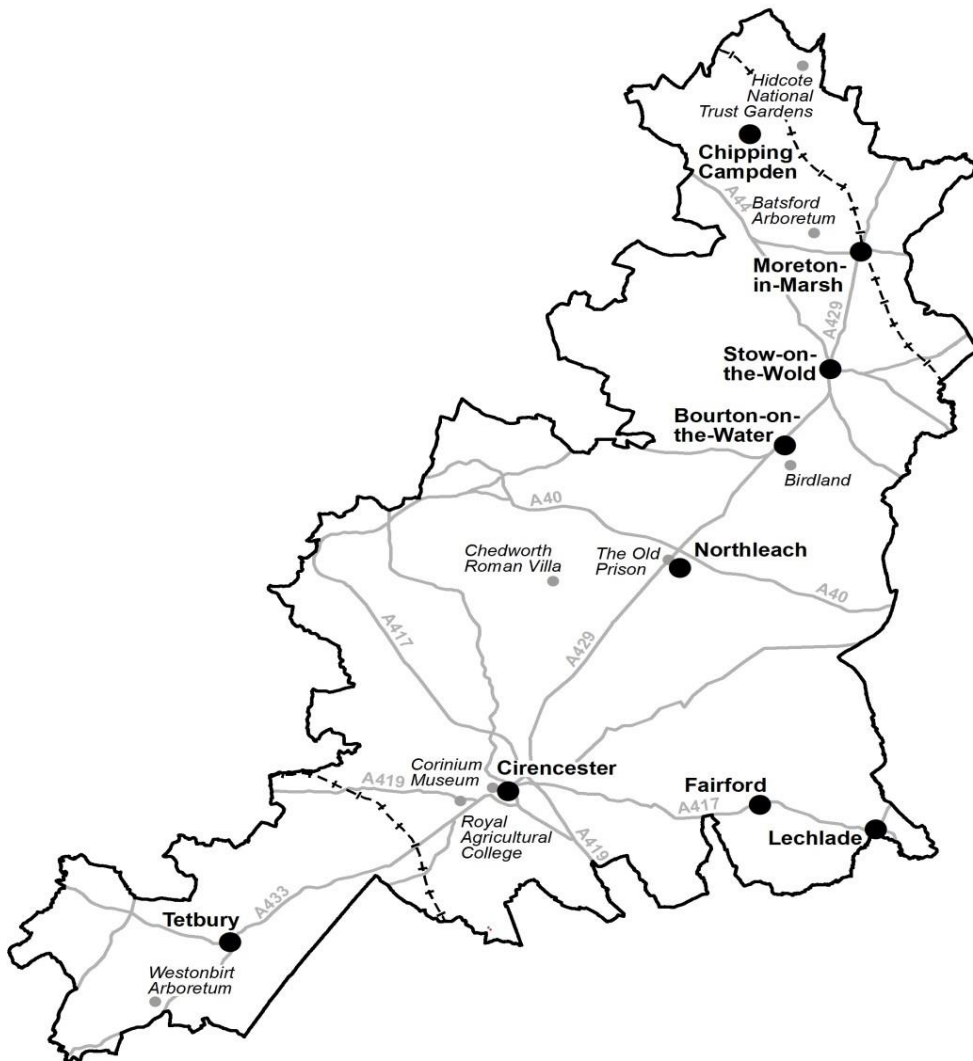
This document was approved by Full Council on ~~XXX~~.

### 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



Scale: NTS @ A4

0 5,000 10,000 20,000 Mtrs

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Ordnance Survey, LA No. 100018800



#### **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 16 September 2024 to 25 October 2024

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 2025.

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 2028.

#### **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 2 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 are 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 as 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 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**

The local licensing authorities are not involved in licensing remote gambling activities (e.g. internet gambling). This will fall to the Gambling Commission. Neither are they involved in licensing the National Lottery nor in regulating spread betting. Consequently, local authorities do not have any powers to deal with the following gambling-related activities and licenses:

- Remote (online gambling)
- The National Lottery
- Gambling advertisements on television or other media
- Football pools
- Gaming machine manufacturers
- Gaming machine suppliers
- Gambling software
- Operating licences
- Personal functional licences
- Personal management licences



## **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 them 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 ethnic 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 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 as 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 is 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 under the age of 18 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 Gambling Prevalence and Social Responsibility**

Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impacts, including on an individual’s physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem of gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

Gambling Operators must comply with the Gambling Commission’s Licence Conditions and Codes of Practice – Gambling Commission (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of, and seek to identify, problem gambling.

The requirements on gambling premises under the social responsibility code are based upon key areas:

- Provision of information on gambling responsibility – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider reducing services to customers.
- Layout of the premises – operations must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.



Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the LLCP.

### **13.6 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.)

### **13.7 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.

### **13.8 (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.

### **13.9 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.

### **13.10 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.”

### **13.11 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.

## 13.12 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)

### **13.13 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.

### **13.14 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.

### 13.15 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.

### **13.16 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. (see Appendix 3) 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 fulfils 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 centres and sporting venues.

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

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

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

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the 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 3 – Gaming Machine Categories

### Appendix I – Licensing Authority delegations – Cotswold District Council

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				(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				(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 <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482 <a href="mailto:licensing@gloucestershire.police.uk">licensing@gloucestershire.police.uk</a>
Gloucestershire Fire and Rescue Service	Service Delivery Support Gloucestershire Fire and Rescue Service Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333 <a href="mailto:fire.safety@glosfire.gov.uk">fire.safety@glosfire.gov.uk</a>
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 <a href="mailto:ers@publicagroup.uk">ers@publicagroup.uk</a>
Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000 <a href="mailto:planning@cotswold.gov.uk">planning@cotswold.gov.uk</a>
Public Health	Public Health Department Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester GL1 2TG	<a href="mailto:publichealth@gloucestershire.gov.uk">publichealth@gloucestershire.gov.uk</a>

### Appendix 3 – Gaming Machine Categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available.

Machine Category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casino
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club, and all of the above
C	£1	£100	Family entertainment centre (with Commission operating licence), qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above
D - money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D – non money prize (other than crane grab machine)	30p	£8	All of the above
D - non-money prize (crane grab machine)	£1	£50	All of the above
D - combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>FULL COUNCIL – 27 NOVEMBER 2024</b>
Subject	<b>REQUEST FOR A DISPENSATION PURSUANT TO SECTION 85(1) OF THE LOCAL GOVERNMENT ACT 1972</b>
Wards affected	Northleach
Accountable member	Councillor Joe Harris, Leader of the Council Email: <a href="mailto:joe.harris@cotswold.gov.uk">joe.harris@cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance and Development (Monitoring Officer) Email: <a href="mailto:angela.claridge@cotswold.gov.uk">angela.claridge@cotswold.gov.uk</a>
Report author	Caleb Harris, Senior Democratic Services Officer Email: <a href="mailto:caleb.harris@cotswold.gov.uk">caleb.harris@cotswold.gov.uk</a>
Summary/Purpose	To determine whether a dispensation for Councillor Tony Dale may be granted under the provision of Section 85(1) of the Local Government Act 1972.
Annexes	None
Recommendation(s)	That Full Council resolves to:  1. Approve a dispensation for Councillor Tony Dale in accordance with Section 85(1) of the Local Government Act 1972, on the grounds of ill-health.
Corporate priorities	<ul style="list-style-type: none"> <li>Delivering Good Services</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/	Business Manager for Democratic Services, Cotswold Local



**COTSWOLD**

District Council

Consultation	Management Team.
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## **1. EXECUTIVE SUMMARY**

- 1.1** Councillors are required to attend at least one meeting within a rolling six-month period under Section 85(1) Local Government Act 1972 (vacation of office by failure to attend meetings).
- 1.2** Councillor Tony Dale has in recent months been unable to attend meetings of the authority due to ill-health. This report proposes that that the Council grants a dispensation to Councillor Dale in accordance with Section 85(1) Local Government Act 1972.

## **2. BACKGROUND**

- 2.1** Section 85(1) of the Local Government Act 1972 states that 'if a member of a local authority fails, throughout a period of six consecutive months from the date of his last attendance, to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.'
- 2.2** Attendance is monitored and officers seek to work with Members where issues around attendance arise.
- 2.3** If there are reasonable mitigating circumstances which may prevent a Member from attending meetings for a rolling period longer than 6 months, it is open to the Council to grant a dispensation from the consequences of not being in attendance.

## **3. MAIN POINTS**

- 3.1** Councillor Tony Dale's last recorded meeting attendance was to the Gloucestershire City Region Board on 7 June 2024 as the Council's appointed representative on this outside body.
- 3.2** Officers have determined that as Cabinet had approved the creation of and delegated functions to the City Region Board around the promotion of economic wellbeing, that this would be seen as his last attendance for the purposes of Section 85 of the Local Government Act 1972.
- 3.3** Due to ill-health following a serious car accident, Councillor Dale has not been able to perform his duties as a Councillor.



**3.4** Councillor Dale's Cabinet responsibilities have been covered by the Leader and the monitoring of constituency casework through officers.

**3.5** Whilst Councillor Dale is expected to make a full recovery in due course, granting a dispensation is deemed appropriate given the circumstances.

#### **4. ALTERNATIVE OPTIONS**

**4.1** Council could determine not to agree a dispensation. This would then mean that Councillor Dale would cease to be a Councillor on 7 December 2024. Given the mitigating circumstances that has prevented Councillor Dale's attendance, this is not seen as an appropriate option and is not recommended.

#### **5. FINANCIAL IMPLICATIONS**

**5.1** There are no financial implications arising from the report.

#### **6. LEGAL IMPLICATIONS**

**6.1** There are no specific legal implications arising from the report.

#### **7. RISK ASSESSMENT**

**7.1** There are none arising for the Council.

#### **8. EQUALITIES IMPACT**

**8.1** There are no equalities impacts arising from this decision.

#### **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**9.1** There are no specific climate and ecological emergency implications.

#### **10. BACKGROUND PAPERS**

**10.1** None

(END)

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

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