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Tracey Lee
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

Please ask for Nicola Kirby, Democratic
Support

T 01752 304867

E nicola.kirby@plymouth.gov.uk

www.plymouth.gov.uk/democracy

22 November 2012

CITY COUNCIL

Monday 3 December 2012

2pm

Council House (Next to the Civic Centre), Plymouth

Members:

The Lord Mayor, Councillor Wright, Chair

The Deputy Lord Mayor, Councillor Singh, Vice Chair

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Browne, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, James, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Mrs Pengelly, Rennie, Ricketts, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wigans and Williams.

Members are invited to attend the above meeting to consider the items of business overleaf.

This meeting will be broadcast live to the internet and will be capable of subsequent repeated viewing. By entering the Council Chamber and during the course of the meeting, Councillors are consenting to being filmed and to the use of those recordings for webcasting.

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Tracey Lee
Chief Executive

CITY COUNCIL

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

To receive apologies for absence submitted by councillors.

2. MINUTES (Pages 1 - 20)

To approve and sign as a correct record the minutes of the Extraordinary General Meeting and Ordinary Meeting held on 24 September 2012.

3. DECLARATIONS OF INTEREST (Pages 21 - 22)

Councillors will be asked to make declarations of interest in respect of items on this agenda. A flowchart providing guidance on interests is attached to assist councillors.

4. APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC (Pages 23 - 26)

The Director for Corporate Services will submit a schedule of vacancies on committees, outside bodies etc and of changes notified to us.

5. ANNOUNCEMENTS

- (a) To receive announcements from the Lord Mayor, Chief Executive, Director of Corporate Services or Assistant Director of Democracy and Governance;
- (b) To receive announcements from the Leader, Cabinet Members or Committee Chairs.

6. QUESTIONS BY THE PUBLIC

To receive questions from and provide answers to the public in relation to matters which are about something the Council is responsible for or something that directly affects people in the city, in accordance with Part B, paragraph 11 of the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Plymouth City Council, Civic Centre, Plymouth, PL1 2AA, or email to democraticsupport@plymouth.gov.uk. Any questions must be received at least five complete working days before the meeting.

TO DETERMINE RECOMMENDATIONS FROM CABINET

7. CAPITAL PROGRAMME APPROVALS (Pages 27 - 36)

Cabinet Member: Councillor Lowry

The Director for Corporate Services will submit a report seeking approval of new capital schemes over £0.5m which were considered by Cabinet on 13 November 2012 for inclusion in the Council's capital programme. (Cabinet minutes 88, 88a, 90, 90a, 91 and 91a refer).

8. GAMBLING ACT 2005 - THREE YEAR REVIEW OF THE STATEMENT OF PRINCIPLES (Pages 37 - 84)

Cabinet Member: Councillor Vincent

The City Council will be asked to consider the Cabinet recommendation. Minute 84 (of the Cabinet meeting held on 13 November 2012) and the report of the Director for Place refers.

9. THE 2013 REVIEW OF PARLIAMENTARY CONSTITUENCIES IN ENGLAND (Pages 85 - 94)

The Assistant Director for Democracy and Governance will submit a report on a review of the proposals published by the Boundary Commission for England relating to the review of the parliamentary constituencies as it affects Plymouth.

10. MOTIONS ON NOTICE

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

11. QUESTIONS BY COUNCILLORS

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with Part B, paragraph 12 of the Constitution.

12. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, Council is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

Extraordinary General Meeting of the City Council

Monday 24 September 2012

PRESENT:

The Lord Mayor, Councillor Wright, in the Chair.

The Deputy Lord Mayor, Councillor Singh, Vice Chair.

Councillors Mrs Aspinall, Ball, Bowie, Casey, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Rennie, Ricketts, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler and Williams.

Apologies for absence: Councillors Mrs Beer, Bowyer, Mrs Bowyer, Browne, James, Monahan, Mrs Pengelly and Wigens.

The meeting started at 1.45 pm and finished at 2.00 pm.

Note: At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

38. **DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the code of conduct.

39. **HONORARY ALDERMAN**

Following a vote, it was AGREED unanimously that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council confers on the following past Member of the Plymouth City Council, the title of Honorary Alderman in recognition of his eminent services to the Council of the said City during the period when he was a Member of the Council –

Mr Peter Brookshaw

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City Council

Monday 24 September 2012

PRESENT:

The Lord Mayor, Councillor Wright, in the Chair.

The Deputy Leader, Councillor Singh, Vice Chair.

Councillors Mrs Aspinall, Ball, Mrs Beer, Bowie, Bowyer, Mrs Bowyer, Browne, Casey, Churchill, Coker, Damarell, Darcy, Philippa Davey, Sam Davey, Mrs Dolan, Drean, Evans, K Foster, Mrs Foster, Fox, Fry, Gordon, Haydon, Jarvis, Jordan, Martin Leaves, Michael Leaves, Sam Leaves, Lowry, Dr. Mahony, McDonald, Monahan, Murphy, Mrs Nelder, Nicholson, Mrs Nicholson, Parker, Penberthy, Rennie, Ricketts, Dr. Salter, John Smith, Peter Smith, Stark, Stevens, Jon Taylor, Kate Taylor, Tuffin, Tuohy, Vincent, Wheeler, Wogens and Williams.

Apologies for absence: Councillors James and Mrs Pengelly.

The meeting started at 2pm and finished at 6.10pm.

Note: At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

40. MINUTES

Agreed that the minutes of the meeting held on 30 July 2012 are confirmed as a correct record.

41. DECLARATIONS OF INTEREST

Councillor Peter Smith encouraged all Members for the sake of openness to declare any shareholdings that they had in Sutton Harbour Holdings rather than just those exceeding £25,000 and any similar interests in Viable.

The following declarations of interest were made in accordance with the code of conduct from councillors in relation to items under consideration at this meeting –

Name	Item	Interest	Reason
Councillor Damarell	Minute 44 – Plymouth City Airport Petition	Personal and Prejudicial Interest	Nominal shareholder in Sutton Harbour Holdings.
Councillor Mrs Dolan	Minute 44 – Plymouth City Airport Petition	Personal	Former member of the Airport Consultative Committee.
Councillor Drean	Minute 44 – Plymouth City Airport Petition	Personal	Previously worked at Plymouth City Airport and a former member of the Airport

			Consultative Committee.
Councillor Fox	Minute 44 – Plymouth City Airport Petition	Personal	Former member of the Airport Consultative Committee.
Councillor Mrs Leaves	Minute 44 – Plymouth City Airport Petition	Disclosable Pecuniary Interest	Husband is a Taxi Driver.
Councillor Martin Leaves	Minute 44 – Plymouth City Airport Petition	Disclosable Pecuniary Interest	Taxi Driver.
Councillor Dr Mahony	Minute 44 – Plymouth City Airport Petition	Personal and Prejudicial Interest	Nominal Shareholder in Sutton Harbour Holdings.
Councillor John Smith	Minute 44 – Plymouth City Airport Petition	Disclosable Pecuniary Interest	Owner of Hackney Carriage licence.

42. **APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC**

The report of the Director for Corporate Services was submitted on current vacancies on committees, outside bodies etc. and changes to committees that have been made.

Agreed that the following appointments were made –

Committee, Outside Body etc	Membership
Emma Stirling Bequest	Councillor McDonald to fill the vacant position.
Plymouth Schools Forum	Councillors Parker replaces Councillor Williams.

43. **ANNOUNCEMENTS**

(i) South West in Bloom Tourism Cup

The Lord Mayor congratulated Parks Services staff on winning the gold award at the South West in Bloom 2012 ceremony.

Councillors were informed that the city picked up gold in the large city category (the South West Tourism Cup) after impressing the judges who had toured the city's gardens, floral displays, parks and community projects.

(ii) 'It's your Neighbourhood' Awards

The Lord Mayor congratulated Parks Services staff on achieving 48 'It's Your Neighbourhood' awards.

Councillors were informed that the awards recognised community projects which had transformed local areas and made a difference to both the environment and the city and that judges had been impressed with the enthusiasm shown by local volunteers.

44. **PLYMOUTH CITY AIRPORT PETITION**

Mrs Bridgeman, organiser of the Plymouth City Airport petition, attended the meeting to present the petition as follows:

'Plymouth City Airport is a vital hub for the South West, but it is due to close, like so many other UK airports, to satisfy property developers. We need flexibility as well as investment in our transport infrastructure. Regional airports offer much greater flexibility than trains for both domestic and international travel. With investment and the right management, Plymouth City Airport would be profitable. The state should take ownership.'

Mrs Bridgeman, as part of her presentation, informed councillors that –

- (a) over 37,000 local residents signed the petition, which was a clear indication of how important the airport was for the city and residents of the city;
- (b) having an airport was vitally important to the city in dealing with the global financial crisis and ensuring future investment in the city;
- (c) Plymouth already suffered from poor transport links and the airport should be protected at all costs from development for short term financial gain.

In response to the petition, Councillor Evans (Leader) moved the following motion –

“Plymouth City Council firmly believes that the residents and business of Plymouth deserve fast, efficient and reliable transport links with the rest of the country and beyond in order for Plymouth to prosper and for its residents to enjoy the freedom of movement enjoyed by most other cities of our size in the UK. We therefore call on the Prime Minister and the Secretaries of State for Transport and Business Innovation and Skills to take action which would result in Plymouth Airport becoming a national asset providing a reliable and extensive commercial air network for the benefit of local residents and businesses.

We recognise that it is not possible to protect the airport land for ever, but we will use our planning powers to protect the airport from development for as long as legally possible.

We call on all Plymouth politicians inside and outside this Chamber to support this resolution as well as the people of Plymouth and the Herald. We wish to demonstrate to Government the deeply felt concerns of Plymouth residents and the support they feel for Plymouth City Airport and call upon the Herald to organise a campaign to encourage residents, employees and businesses to join me in writing to the Prime Minister to express their support for what I have proposed today.”

The motion was seconded by Councillor Lowry (Cabinet Member for Finance).

During the debate the issues raised included –

- (d) Sutton Harbour Holdings took over the airport in 2000 after being granted a 150 year lease;
- (e) at present the airport was protected from housing development as part of the Core Strategy, however, this protection, currently until 2021, could be amended when the Core Strategy was replaced by the Plymouth Plan;
- (f) the Council held the freehold of the airport land and given the citizens of Plymouth, (37,000 signatures), want it to remain an airport, the Council should do all it can to protect this land for the long term future;
- (g) the Plymouth Plan could have a clause inserted protecting the airport for a further period; the Plan would be put out for consultation in the near future, and members of the public were urged to respond accordingly;
- (h) it was disappointing that Sutton Harbour Holdings had not allowed Derriford Hospital or Flag Officer Sea Training to use these facilities;
- (i) the decision to close the airport in 2011 was a regrettable decision, but one that was necessary due to Sutton Harbour Holdings proving, following extensive studies, that the airport was no longer commercially viable;
- (j) the Council was committed to working on the basis that the land would remain useable for an airport until every possible opportunity had been exhausted;
- (k) in order to ensure that any airport operator would be able to run the airport as a commercially viable business, the Council had devised five tests for potential operators;
- (l) the Council was committed to better transport and connectivity, and it was hoped that the state could help with this matter, as that was the request of the citizens of Plymouth in signing the petition.

Councillor Evans summed up and the motion was put to the vote and declared carried.

(Councillors Mrs Dolan, Drean and Fox declared a Personal Interest in the above item).

(Councillors Damerell, Mrs Leaves, Martin Leaves, Dr Mahony and John Smith left the meeting, having declared a disclosable pecuniary interest or prejudicial interest and did not take part in the discussion of this item).

45. **QUESTIONS BY THE PUBLIC**

Three questions had been received from members of the public in relation to matters which, in the opinion of the Lord Mayor, were relevant to the business of the meeting, in accordance with paragraph 10 of the Constitution.

Mrs Sharon Privett attended the meeting to ask her question and Councillor Penberthy (Cabinet Member for Cooperatives and Communities Development) responded as set out below –

Question No	Question By	Cabinet Member	Subject
Q4/12-13	Mrs Sharon Privett	Councillor Penberthy, Cabinet Member for Co-operatives and Community Development	Armed Forces Covenant
<p>Does the Council really mean what it says when it supports the Armed Services Covenant? If so, why did only one Councillor attend despite the fact that I e-mailed inviting them all to the vigil at the War Memorial on 24 July protesting about the cuts of 20,000 soldiers?</p>			
<p>Response: I would like to thank Mrs Privett for this opportunity to restate Plymouth City Council's commitment to our armed forces community.</p> <p>The Lord Mayor signed the Plymouth Armed Forces Community Covenant on Armed Forces day on behalf of the City of Plymouth on 30th June 2012. The Covenant seeks to ensure that those who serve in the Armed Forces, whether regular or reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. In order to achieve this the Covenant is underpinned by an action plan with seven key themes. They are:</p> <p>Children, young people and their families Improving outcomes for the children of service families and tackling child poverty issues amongst families of former service personnel.</p> <p>Health and wellbeing Developing services focused on the health and wellbeing of service personnel, veterans and their families, including mental health support.</p> <p>Housing Ensuring there is clear guidance from the Council and the armed forces on what housing services and provision are available to the services community.</p> <p>Working in partnership Creating opportunities for the armed forces to work closely with the Council and other community covenant partners.</p>			

Support for veterans and their families

Considering and supporting the needs of service personnel during and after their transition to becoming a veteran.

Employability and education

Helping ex-service personnel and their families to identify education opportunities and maximise their employability.

Governance

Evaluating the impact and reach of the Community Covenant, through regular meetings and reviews.

We have developed a multi agency steering group to ensure that the above aims are delivered. I am pleased to announce that at its last meeting the steering group appointed Councillor Pauline Vincent as its Chair, I know that she will be an effective advocate and champion for our armed forces community.

I am sorry that, due to a prior engagement, I was not able to attend the vigil at the War Memorial on 24th July. I am unable to comment specifically on the number of councillors attending as that would depend on their personal circumstances and availability. However, by signing the Plymouth Armed Forces Community Covenant and delivering the associated action plan, we feel that the city is demonstrating its ongoing strong commitment to our armed forces community, both serving and veterans, and their families.

Mr Carleton Mayer attended the meeting to ask his question and Councillor Evans (Leader of the Council) responded as set out below:

Question No	Question By	Cabinet Member	Subject
Q5/12-13	Mr Carleton Mayer	Councillor Evans, Leader	Plymouth airport
<p>National and international businesses expect to do business by flying into a city.</p> <p>Their expectations require a willingness on the Council to ensure air links are maintained in Plymouth.</p> <p>Does the council appreciate the ramifications that the message, of not having an airport, sends out about our city.</p>			
<p>Response:</p> <p>The independent study carried out by Berkeley Hanover Consulting in mid- 2011 - after the airport non-viability notice had been served on the Council - revealed that the business community had relatively little reliance on the air services, to and from Plymouth, and that had been the case since the air link to Heathrow was terminated in 1997. Neither could the consultants find any evidence that air services had made any material difference to business investment decisions.</p>			

I do not say that this will be the case in respect of all business travelling and investment decisions, but the trend has been for greater reliance on road and rail transport, and indeed the use of other airports.

Nevertheless, I am on the record as saying that the Council will support any new airport operators if they can pass five tests that I think are prudent and realistic, which are:

- Be able to acquire ownership of the airport - I mean the existing lease from Sutton Harbour, and associated infrastructure
- To operate without the need for public subsidy
- Have an on-going commitment to air services
- Have a fully-funded long-term business plan
- Clearly evidence demand for and provision of Plymouth air services.

The Council very much hopes that a new airport operator will step forward with a sustainable business plan both for the airport and of course airline services.

The Council still has a very ambitious economic growth agenda for the future that it will be pursuing whether or not there is a Plymouth Airport, but I would reiterate, in case anybody is in any doubt, that the airport site remains protected under existing planning policy.

Mr Sharpe did not attend the meeting and his question, and the response from Councillor Peter Smith, (Deputy Leader of the Council), was circulated to councillors as set out below. The response would be sent to Mr Sharpe following the meeting.

Question No	Question By	Cabinet Member	Subject
Q6/12-13	Mr F E Sharpe	Councillor Peter Smith, Deputy Leader,	Swimming pool at Sherford
According to Council records how many residents of the two Plymstock Wards support a Swimming Pool connected to Sherford rather than one in Central Plymstock?			
Response: We don't have this information in either our Planning Services or Leisure Services Units.			

46. **Performance and Finance Report (including Capital Programme Update)**

Councillor Lowry (Cabinet Member for Finance) presented the proposed new capital schemes for approval as detailed in Cabinet's recommendation to Full Council (Cabinet minute 60 referred).

The proposal was seconded by Councillor Parker.

Agreed the new capital schemes over £0.500m for investment as detailed in Table 4 of the Cabinet report amounting to £4.450m in 2012/13 and £4.450m for future years.

47. **Theatre Royal Regeneration Project**

Councillor Lowry (Cabinet Member for Finance) presented the proposed new capital scheme relating to the Theatre Royal Regeneration Project report as detailed in Cabinet's recommendation to Full Council (Cabinet minute 62 referred).

The proposal was seconded by Councillor Peter Smith.

Agreed the inclusion of a new capital scheme up to the value of £1,995,000. The scheme is to be funded from the withholding of Plymouth City Council revenue contributions (approved by Cabinet in minute 62) for a three year period (equating to £1,995,000), making the capital works cost neutral to the Council.

48. **Investment in Customer Transformation and ICT Core Infrastructure**

Councillor Lowry (Cabinet Member for Finance) presented the proposal recommended by Cabinet to amend the capital programme (Cabinet minute 63 referred).

The proposal was seconded by Councillor Peter Smith.

Agreed to amend the capital programme to include an additional £1.5m, making a total spend of £4.5m.

49. **BOB COMBER, INTERIM CHIEF EXECUTIVE**

Councillor Evans (Leader) reported that Bob Coomber, Interim Chief Executive, would be leaving the City Council at the end of October and proposed that the Full Council extend their warm thanks and gratitude to Bob Coomber.

The proposal was seconded by Councillor Fry.

Agreed that Bob Coomber, Interim Chief Executive, is thanked for the service he has given to Plymouth City Council since his appointment in May 2012.

50. **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

The Assistant Director for Democracy and Governance submitted a written report on The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Councillor Peter Smith (Deputy Leader) presented Cabinet's recommendations for approval (Cabinet minute 65 referred).

The proposal was seconded by Councillor Lowry.

Agreed that the Council receives an annual report on the use of the 'special urgency' provision under Regulation 11 (where key decisions are taken without prior public notice).

51. **Terms of Reference for the Overview and Scrutiny Management Board and Panels**

Councillor Mrs Aspinall (Chair of the Overview and Scrutiny Management Board) submitted the proposed amendments to the Overview and Scrutiny Panels' Terms of Reference (Overview and Scrutiny Management Board minute 24 referred) for approval.

The proposal was seconded by Councillor Tuffin.

Agreed the amendment to the Overview and Scrutiny Panels' Terms of Reference.

52. **Annual Report on Treasury Management Activities for 2011/12**

Councillor Wheeler (Chair of the Audit Committee) presented the Annual Report on Treasury Management Activities for 2011/12 (Audit Committee minute 10 referred) and informed members that the report was referred to Council for noting as required by the CIPFA Treasury Management Code of Practice.

The proposal was seconded by Councillor Lowry.

Agreed that the Annual Report on Treasury Management Activities for 2011/12 is noted.

53. **MOTIONS ON NOTICE**

(i) Government consultation re planning system

Councillor Stevens (Chair of Planning Committee) proposed the following motion on notice –

GOVERNMENT CONSULTATION RE: PLANNING SYSTEM

Plymouth City Council opposes Government proposals to relax parts of the Planning system relating to extensions to residential properties up to 8m.

These changes would remove essential controls on potentially controversial development, remove residents' right to object, deter homeowners from gaining sensible advice and do nothing to boost economic growth.

Plymouth City Council would prefer the Government to urgently address the issue of un-built housing in Plymouth, with over 6,200 homes waiting to be built.

To this end Council Officers will respond to Government consultation along these lines and request Oliver Colvile MP, Gary Streeter MP and Alison Sebeck MP to voice similar opposition to these divisive plans.

Councillor Evans (Leader) seconded the motion.

During the debate issues raised included that –

- (m) the government's proposals on relaxing planning regulations for permitted development had not been finalised or published and that the Council should wait until such time before responding on this issue;
- (n) the government's proposal was currently out for consultation and local authorities had a four week period in which to respond;
- (o) the government's proposal would not help stimulate the economy but would instead create divisions between communities and remove the protection of local people and their rights to challenge developments;
- (p) the current planning process was not an issue or hindrance to the economy, was demonstrated by the fact that over 400,000 houses currently had planning permission but had not yet been built;
- (q) other authorities, such as Richmond had agreed to oppose the government's proposal.

Councillor Stevens summed up and the motion was put to the vote and was declared carried.

54. **POLLING PLACE, POLLING DISTRICT AND POLLING STATION ALTERATIONS**

The Assistant Director for Democracy and Governance submitted a written report on Polling Place, Polling District and Polling Station alterations, following a review, in accordance with the Representation of People Act 1983 and Electoral Administration Act 2006.

Councillor Peter Smith (Deputy Leader) moved the recommendations in the written report and Councillor Rennie seconded the proposal.

An amendment was moved by Councillor Churchill that referred to recommendation 10 as follows:

'to have Coltness Road and numbers 131 – 139 Wembury Road transferred from polling district UD to polling district UB, allowing these electors to vote at the Staddiscombe Club. (The Electoral Registration Officer and Electoral Services Manager were consulted and they fully supported this amendment.)'

Councillors Smith and Rennie indicated that they were prepared to accept the amendment and incorporate it into the recommendations.

The Assistant Director for Democracy and Governance informed councillors that –

- (a) they were being asked to agree polling places and polling districts and that the location of polling stations would be determined by the

Returning Officer;

- (b) if any councillors had any issues with polling stations they should raise the issue with the Electoral Services Manager;

The recommendations as amended were put to the vote and it was agreed that -

- (1) the Manadon Hall at Tavistock Road is allocated as polling station for Polling Place/Polling District EF, replacing Crownhill Methodist Church;
- (2) Polling Place/Polling Districts EG and EH is merged forming a new Polling Place/Polling District to be known as EG using Derriford Reformed Church as the polling station;
- (3) voters of Polling Place/Polling Districts LB as specified in this report are transferred to Polling Place/Polling District LC;
- (4) the Tabernacle Christian Fellowship Church, Gordon Terrace is allocated as polling station for Polling Place/Polling District MA and that the streets in the immediate vicinity of the new location are transferred to this new polling area form Polling Place/Polling District MB;
- (5) Polling Place/Polling Districts PG and PH are merged forming a new Polling Place/Polling District to be known as PG using St Pauls Community Church as the polling station;
- (6) Crownhill Methodist Church is allocated as polling station for Polling Place/Polling District HB and that the Polling Place/Polling District is modified to incorporate the areas specified in the report;
- (7) Weston Mill Primary School is temporarily allocated as polling station for Polling Place/Polling District BA;
- (8) voters of Polling Place/Polling District SC as specified in this report are transferred to Polling Place/District SA with Plympton St Mary's C of E Infants School, Market Road allocated as the polling station;
- (9) Polling Place/Polling District UF is divided as specified in this report with voters allocated St Matthews Church (to be known as Polling Place/Polling District UF) and Elburton Methodist Church (to be known as Polling Place/Polling District UD) as respective polling stations;
- (10) Polling Place/Polling District UD is divided between polling districts UC and the current UF as specified in this report. Voters allocated to Polling Place/Polling District UC would vote at Goosewell Primary School and the voters allocated to UF would vote at Elburton Methodist Church, and this new station will be known as

Polling Place/Polling District UD, *subject to Coltness Road and numbers 131 – 139 Wembury Road transferred from polling district UD to polling district UB, allowing these electors to vote at the Staddiscombe Club (as stated in recommendation 10).*

- (11) Polling Place/Polling Districts CB and CC are merged forming a new Polling Place/Polling District to be known as CB using St Boniface Church Hall as polling station;
- (12) the official list of Polling Places, Polling Districts and Polling Stations is updated accordingly in line with the Representation of the People Act 1983 and Electoral Administration Act 2006.

The following was noted:

- (13) Austin Farm Primary School will be re-instated as polling station for Polling Place/Polling District HE;
- (14) St Barnabas Church Hall will replace Stuart Road Primary School as polling station;
- (15) Mutley Baptist Church to replace the Swarthmore Centre – Polling Place/Polling District LE.

55. **QUESTIONS BY COUNCILLORS**

In accordance with paragraph 12 of the constitution, the following questions were asked of the Leader, Cabinet Members and Committee Chairs covering aspects of their areas of responsibility -

	From	To	Subject
1	Councillor Bowyer	Councillor Peter Smith	Who should receive the response to a member's written question? The media or the member?
	Councillor Smith advised that if Councillor Bowyer provided details of a specific question he would look into this issue.		
2	Councillor Mrs Bowyer	Councillor Peter Smith	Would Cllr Smith undertake to check current terms and conditions of the hire of sports pitches to ensure that it was made clear to hirers that it was their responsibility to ensure all litter was cleaned up after use?
	Cllr Smith advised that Cllr Vincent was the responsible Cabinet Member and he would be asked to provide Cllr Mrs Bowyer with a written response.		
3	Councillor Dr Mahony	Councillor Coker	Was it acceptable that Traffic Regulation Orders (TRO) were not

			notified to councillors within the ward? On the specific ward issue would there be a further consultation undertaken?
	Cllr Coker commented that it was not acceptable and apologised for the lack of notification to ward members. He further added since being informed about this issue by Cllr Mahony's ward colleagues, that this specific TRO had now been put on hold until further consultation had been undertaken.		
4	Councillor Darcy	Councillor Peter Smith	Why was the Planning Committee meeting on 20 September 2012 not broadcast on the webcast or made available in the archive?
	Cllr Smith would provide Cllr Darcy with a written response.		
5	Councillor Churchill	Councillor Coker	Why did Plymouth City Council impose a local act to prevent Plymouth taxi drivers picking up passengers who had booked from outside the city boundaries? This was deemed to be stifling growth, how would this be reconciled?
	Cllr Haydon, Chair of Taxi Licensing Committee, responded that it was in the Local Government (Miscellaneous Provisions) Act 1976 and Plymouth City Council needed to abide by that. Cllr Coker advised that Plymouth City Council was in the process of responding to a government consultation about taxi licensing and that if Cllr Churchill would like to highlight his concerns they would be fed into the response process.		
6	Councillor Fry	Councillor Vincent	Was he aware that proposals had been published by this council to establish a children's home for two teenagers in a semi-detached private house in Compton ward and that local residents had not been consulted on these proposals?
	Cllr Vincent would provide Cllr Fry with a written response.		
7	Councillor Ricketts	Councillor Vincent	Could you urgently rectify the condition of the Staddiscombe playing pitches?
	Cllr Vincent would provide Cllr Ricketts with a written response.		
8	Councillor Jordan	Councillor Peter	As part of the summer Olympics,

		Smith	Plymouth played host to several foreign training camps. Could you please update the Council on how you helped to promote the city to those visiting countries whilst they had their athletes in the city?
	Cllr Smith advised that he had met every team staying in Plymouth adding that ties had now been strengthened with those countries and many athletes had planned to return to the city to use it as a training camp for the Commonwealth Games in two years' time.		
9	Councillor Tuffin	Councillor Vincent	How was the council dealing with the continuing problem of bin management and in particular how was it addressing the issue within the St. Peter and the Waterfront ward?
	Cllr Vincent advised that there were similar problems across the city which was being reviewed. With regards to the domestic collection of waste, the law allowed councils to specify how, when and where domestic waste was to be collected, however the law did not allow the council to specify how the bin was dealt with in between collections. Plastic bags were treated differently to bins, and if these were left out then it was classed as fly tipping.		
10	Councillor Dr. Mahony	Councillor Vincent	Was there any further information available on the QE2 status of Central Park?
	Cllr Vincent responded that he was not aware of the council's intention to apply to obtain QE2 status in Central Park and asked that Cllr Dr. Mahony updated him on any information he had outside of the meeting. Cllr Vincent would keep Cllr Dr. Mahony fully informed on the progress of this issue.		
11	Councillor Michael Leaves	Councillor Vincent	The terms and conditions of South West Devon Waste Partnership (SWDWP) were that observers were not excluded from Part 2 discussions and Cllr Vincent was asked to retract the statement he made at the last Council meeting.
	Cllr Vincent responded that he would provide Cllr Leaves with the date and time of the meeting he was excluded from.		
12	Councillor Darcy	Councillor Peter Smith	Why did the Council no longer webcast its Cabinet meetings?
	Cllr Smith responded that only one Cabinet meeting was webcast as part of the webcasting trial and that Cabinet meetings were open to the public so anyone		

	could come and observe the meeting.		
13	Councillor Monahan	Councillor Peter Smith	Given his answer to a recent member's question, was he suggesting that planning applications would now be considered in the same manner as other political decisions of this council?
	Cllr Smith responded that Planning Committee had always been a quasi-judicial committee and he would need to clarify his answer recently provided to Cllr Monahan.		
14	Councillor Dr Salter	Councillor McDonald	Could Cllr McDonald explain why employees in Adult Health and Social Care were being given six day's training to learn how to do the job?
	Cllr McDonald advised that the Health and Adult Social Care department had recently been through a major transformational change and this has meant changing the way the service operated and professional staff worked. Six days training to transform the way the service operated and deliver the improvements was not considered excessive		
15	Councillor Martin Leaves	Councillor Vincent	Could you assure the council that travellers would not regain access into Central Park?
	Cllr Vincent advised that in order to prevent the return of travellers to Central Park, the parks department was monitoring the park closely. Bollards had been put in place and it was hoped that railings would also be erected around Central Park.		
16	Councillor Nicholson	Councillor McDonald	Could you describe how you would ensure that the council's health partners would be consulted and would participate in the review of the Plymouth Plan including the future of the airport site?
	Cllr McDonald advised that the National Health Service was a key partner and would be consulted on the Plymouth Plan. This could be an issue that a scrutiny panel could pursue in terms of the promotion of a co-operative Council.		
17	Councillor Jordan	Councillor Penberthy	What have you done to promote the Military Covenant since signing it and how are you encouraging bids?
	Cllr Penberthy responded that at present the council and partners were finalising the Military Covenant's action plan. Also, Cllr Murphy had been appointed as a chair of the Military Covenant Group and would be championing		

	the covenant. The council's partners and other voluntary organisations were promoting the covenant and had been actively seeking bids.		
18	Councillor Ball	Councillor Vincent	I think it is a breach of the law leaving bins out on pavements and I would like you to tell us what your position is on this issue?
	Cllr Vincent responded that the law allowed councils to specify how, when and where domestic waste was to be collected, however the law did not allow the council to specify how the bin was dealt with in between collections. This was a serious problem and, in order for it to be solved, councillors needed to work closely with residents. As the Cabinet Member he would be happy to work with any councillor and attend neighbourhood meetings to discuss this issue with local residents.		
19	Councillor Mrs Dolan	Councillor Vincent	Some of the residents in the Stoke ward were worried about the possibility of bins being used to climb over property walls; could something be done about bin management from that point of view?
	Cllr Vincent responded that the law did not allow the council to specify how the bin was dealt with in between collections and that this problem would need to be rectified by ward councillors working with local communities.		
20	Councillor Darcy	Councillor Peter Smith	Could you tell me how many local businesses were given the opportunity to provide the webcasting service to the Council?
	Cllr Smith would provide Cllr Darcy with a written response.		
21	Councillor Monahan	Councillor Peter Smith	Could you confirm your belief that the Planning Committee is not a quasi-judicial Committee?
	Cllr Smith would provide Cllr Monahan with a written response.		
22	Councillor Martin Leaves	Councillor Vincent	Could you advise the council of the protocols for having assisted waste collection?
	Cllr Vincent would provide Cllr Martin Leaves with a written response.		

Please note that questions, answers, supplementary questions and supplementary answers have been summarised.

56. **EXEMPT BUSINESS**

There were no items of exempt business.

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What matters are being discussed?



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Does the business relate to or is it likely to affect a disclosable pecuniary interest. These will include the interests of a spouse or civil partner (and co-habitees):

- any employment, office, trade, profession or vocation that they carry on for profit or gain;
- any sponsorship that they receive including contributions to their expenses as a councillor; or the councillor's election expenses from a Trade Union;
- any land licence or tenancy they have in Plymouth;
- any current contracts leases or tenancies between the Council and them;
- any current contracts leases or tenancies between the Council and any organisation with land in Plymouth in they are a partner, a paid Director, or have a relevant interest in its shares and securities;
- any organisation which has land or a place of business in Plymouth and in which they have a relevant interest in its shares or its securities.

No ↓ Yes → Declare interest and leave

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Might a decision in relation to that business be reasonably be regarded as affecting (to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of ward affected by the decision)

- Your well-being or financial position; or
- The well-being or financial position of:
 - A member of your family or any person with whom you have a close association; or
 - Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
 - Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority; or
 - Any body exercising functions of a public nature, directed to charitable purposes or whose principal includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management?

↓ Yes

You must disclose the existence and nature of your personal interests



Would a member of the public, with knowledge of the relevant facts, reasonably regard your personal interest to be so significant that it is likely to prejudice your judgement of the public interest?

No →

You can participate in the meeting and vote (or remain in the room if not a member of the meeting)

↓ No

↓ Yes

– Does the matter affect your financial position or the financial position of any person or body through whom you have a personal interest?
 – Does the matter relate to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest?
 – Does the matter not fall within one of the exempt categories of decisions?

No ↰

↓ Yes

Speak to Monitoring Officer in advance of the meeting to avoid allegations of corruption or bias

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CITY COUNCIL

3 December 2012

**APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC.**

Report of the Director for Corporate Services.

- I. The City Council is asked to consider the following appointments –

*Please see details of the organisation and request at the end of the report.

	Committee / Outside Body	Membership	Appointments
a.	Lord Mayor Selection Committee	Six councillors (3 Labour Group and 3 Conservative Group) Cllrs Mrs Aspinall, Evans and Vincent appointed	Three vacancies for Conservative Group
b.	Career South West* (new councillor appointment)	one councillor	
c.	North Yard Community Trust* (new body)	four councillors comprising two from St Budeaux ward, one from Ham ward and one from Devonport ward	
d.	PLUSS Organisation Ltd*	One councillor (vacant) and one deputy (Councillor Mrs Aspinall). One vacancy following resignation of Cllr McDonald	
e.	Tamar Estuaries Consultative Forum	Two councillors: Councillors Murphy and Wheeler	Councillor Vincent to replace Councillor Murphy

2. The City Council is asked to note the appointment of the following named substitutes notified to the Assistant Director for Democracy and Governance -

	Committee, Outside Body etc	Membership
f.	Dartmoor National Park Forum	Named substitutes: Councillor for Mrs Aspinall for Councillor Mike Fox and Councillor Parker for Councillor Wheeler
g.	Devon Investment and Pension Fund Committee	Named substitute: Councillor Fox for Councillor Peter Smith No appointment has been made for a substitute member for Councillor Stark.

I(b) Careers South West Ltd

Careers South West is wholly owned and controlled by four local authority corporate members:

- Cornwall Council
- Devon County Council
- Plymouth City Council
- Torbay Council.

The company manages and delivers contracts to engage customers in learning and work and delivers services through contracts extending across the south west region. Their core service brands are Careers South West, the National Careers Service, Devon Education Business Partnership and Investor in Careers.

The Board of Directors meets quarterly at Launceston commencing at 5pm.

The City Council nominates two directors (currently David Northey (Head of Finance) and one vacancy since the resignation of Bronwen Lacey (formerly Director of Services for Children and Young People)).

One councillor appointment is sought to be a director on the above organisation which is a new member appointment. Cabinet currently commissions services from the organisation so it would not be appropriate for a Cabinet Member to be nominated.

I(c) North Yard Community Trust

The trust will manage a community fund of £150,000 per year for 25 years to mitigate the impact of the Energy from Waste Plant in accordance with the Section 106 agreement.

The trust will comprise 13 people with voting rights –

- Seven local people – (two from Barne Barton, three from St Budeaux and Kings Tamerton, one from Weston Mill and North Prospect and one from Keyham)
- Two young people who are under 18 and living in the area.
- Four Plymouth City Council ward councillors – two from St Budeaux, one from Devonport and one from Ham Wards

In addition there will be up to six co-opted nominees with no voting rights.

Co-opted nominees must include –

- One employee from the Primary Care Trust;
- One employee from MVV Environment Devonport;
- One employee from Plymouth City Council.

The trust will meet a minimum of four times a year to consider applications for funding.

The full details can be found at -

http://www.plymouth.gov.uk/north_yard_community_trust_plan.pdf

I(d) PLUSS Organisation Limited

PLUSS is a social enterprise that supports thousands of disabled people each year to achieve work and a career. The organisation also directly employs hundreds of disabled people within its own commercial enterprises.

Cabinet currently commissions services from the organisation so Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) has resigned as a representative. Councillor Mrs Aspinall is appointed as deputy member on the organisation.

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PLYMOUTH CITY COUNCIL

Subject: Capital Programme Approvals
Committee: City Council
Date: 3 December 2012
Cabinet Member: Councillor Lowry
CMT Member: Adam Broome (Director for Corporate Services)
Author: Chris Randall, Strategic Finance Manager
Contact: Tel: 01752 304599
 email: chris.randall@plymouth.gov.uk

Ref:

Key Decision: No

Part: I

Purpose of the report:

To approve new capital schemes over £0.5m which were considered by Cabinet on 13th November 2012 for inclusion in the Council's capital programme. Financial Regulations require that all new capital projects over £0.5m are approved by Council.

Corporate Plan 2012-2015:

This report is linked to delivering the priorities set out in the Council's corporate plan. Targeting the Council's resources in a planned manner in order to align expenditure with key priorities will maximise the benefits to residents and businesses in Plymouth

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The approval of the new capital schemes over £0.5m is as follows:

November Capital and Revenue Monitoring Report (various schemes)	£11.772m
Capital Investment for Replacement of Minibuses	£0.980m
Capital Investment for Replacement of Plant & Equipment	<u>£1.707m</u>
Total	<u>£14.459m</u>

The approval of these new schemes will result in a revised forecast 2012/13 Capital Expenditure of £57.390m, and a revised forecast total Capital Expenditure of £132.005m over the period 2012/13 to 2015/16.

The new schemes are funded from specific and unringfenced capital grants, and in the case of the replacement schemes unsupported borrowing funded from revenue savings linked to the replacements.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

None

Recommendations & Reasons for recommended action:

The City Council is recommended to approve the new capital schemes for investment as detailed below, amounting to £14.459m :

2 Year Old Nursery Places	£1.750m
Coastal Communities Scheme (subject to successful grant application)	£1.327m
Local Transport Plan capital grant forecast 2015/16	£4.829m
Marine Academy Primary Free School Places	£3.866m
Replacement of Minibuses	£0.980m
Replacement of Plant and Equipment	£1.707m

Alternative options considered and reasons for recommended action:

The City Council could decide not to approve the new capital schemes, however where the funding is from a specific grant the City would lose the grants associated with the schemes. The two schemes funded from unsupported borrowing are estimated to deliver net revenue savings which if not approved would increase revenue pressures

Background papers:

Cabinet 13 November 2012 – Capital and Revenue Monitoring Report (including additions to the capital programme) <http://www.plymouth.gov.uk/mgInternet/documents/s42399/Finance-Capital%20and%20Revenue%20Monitoring%20Report%20including%20additions%20to%20the%20capital%20programme%20to%20be%20approved%20at%20Council.pdf>

Cabinet 13 November 2012 – Capital Investment for the Replacement of Minibuses <http://www.plymouth.gov.uk/mgInternet/documents/s42383/Capital%20investment%20for%20Replacement%20of%20minibuses.pdf>

Cabinet 13 November 2012 – Capital Investment for the Replacement of Plant and Equipment <http://www.plymouth.gov.uk/mgInternet/documents/s42384/Capital%20investment%20for%20Replacement%20of%20plant%20and%20equipment%20Street%20Scene%20Services.pdf>

Sign off:

Fin	CDR/CorpsF FC1213 001/21.11.12	Leg	16159/DVS	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member Malcolm Coe											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 Introduction

- 1.1 Cabinet on the 13 November 2012 considered a number of new capital schemes over £0.5m as part of the second quarter's revenue and capital monitoring report which it recommends to Council for approval
- 1.2 There were also two individual reports considered by Cabinet on 13 November 2012 for capital investment projects over £0.5m

2.0 Capital Investments over £0.5m

- 2.1 Cabinet (minute 88a) approved schemes over £0.5m totalling £11.772m included in Table 14 for recommended approval by Council as follows:

£000	£000	£000	£000	
12/13	13/14	14/15	15/16	
87	700	963	0	2 Year Old Nursery Places
121	872	334	0	Coastal Communities – funding bid in place that includes an element that would need to be spent in 2012/13
0	0	0	4,829	Estimated figure for LTP funding added based on 2014/15 allocation included for consistency
500	3,366	0	0	Marine Academy Primary Free School Places *
708	4,938	1,297	4,829	Schemes to be recommended through this report for approval at 3 December 2012 Council

These projects are proposed to be funded by either specific or unringfenced capital grant

- 2.2 Cabinet (minute 90a) approved a capital scheme for replacement of minibuses totalling £0.980m funded by unsupported borrowing for recommended approval by Council. The revenue savings from reduced maintenance and lease costs will be used to fund the revenue implications of unsupported borrowing.
- 2.3 Cabinet (minute 91a) approved a capital scheme for replacement of plant and equipment totalling £1.707m for recommended approval by Council. The revenue savings from reduced maintenance and lease costs will be used to fund the revenue implications of unsupported borrowing.

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CITY COUNCIL

3 DECEMBER 2012



CABINET MINUTES 88 AND 88a OF 13 NOVEMBER 2012

88. FINANCE - CAPITAL AND REVENUE MONITORING REPORT (INCLUDING ADDITIONS TO THE CAPITAL PROGRAMME TO BE APPROVED AT COUNCIL)

The Corporate Management Team submitted a written report outlining the financial position of the Council as at the end of September 2012 and recommending further actions to address the projected overspend to achieve a balanced budget at year end.

The report indicated –

- (a) that the estimated revenue overspend was now £3.221m (an increase of £1.432m in the quarter) against a net revenue budget of £203.766m;
- (b) that the overspend within the People Directorate was due to pressures totalling £3.151m in Adult Social Care linked to demographic changes, increased demand for supported living and reduced income from a number of sources. The pressures were similar to those being faced by adult social care services across the country with funding shortages, an ageing population and people living longer with disabilities and illness;
- (c) that the capital programme for the current year was over £60m, rising to £132m by 2015/16. A number of new capital schemes were presented for noting or approval;
- (d) progress on the revenue delivery plans for 2012/13;
- (e) that the latest forecast for the capital programme, as at end of September 2012, was £57.390m assuming approval of the recommendations in this report and in other reports on this Cabinet agenda. The new capital schemes (over £0.500m) set out in Table 14 in the written report would be referred to the City Council for approval and amounted to £11.772m (in the period 2012/13 – 2015/16).

Councillor Lowry (Cabinet Member for Finance) presented the report and proposed two additional recommendations concerning the introduction of a staff incentive scheme and the reintroduction of a voluntary release scheme. He advised that the costs of the voluntary release scheme could be met from provision that had been made for redundancies and that there would be no enhanced packages offered to staff. The Chief Executive and directors were asked to ensure that those staff who left the Council were thanked for their services.

Councillor Lowry also drew Cabinet Members' attention to the provision of £250,000 in the capital programme for road re-surfacing and pot hole repairs.

Alternative options considered and reasons for the decision –

As set out in the report.

Cabinet noted that in the light of the emerging pressure in Adult Social Care, the Chief Executive had commissioned a full review of all demographic pressures across the Council.

Agreed –

- (1) that the forecasted overspend for the year against budget of £3,221m was noted and Portfolio Holders and officers will continue to work closely together to take corrective action to deliver a balanced budget position by March;
- (2) the revenue budget virements as detailed in table 11 of the report;
- (3) the reprofiling and variations (reductions) of (£5.097m) in 2012/13 and £3.422m for future years to capital spend, as detailed in Appendix B to the written report;
- (4) the introduction of a staff incentive scheme, to engage all members of staff to put forward cost saving initiatives;
- (5) the re-introduction of a voluntary release scheme to allow staff to leave during the current financial year.

(See also minute 88a below).

88a Finance - Capital and Revenue Monitoring Report (including additions to the capital programme - Recommendation to the City Council.

Further to minute 88 above, the City Council is Recommended to approve the new capital schemes over £0.500m for investment as detailed in Table 14, amounting to £11.772m.

Note:

The full report in connection with this minute is available on the website

www.plymouth.gov.uk/democracy

or by contacting Democratic Support on 01752 304867

CITY COUNCIL

3 DECEMBER 2012



CABINET MINUTES 90 AND 90a OF 13 NOVEMBER 2012

90. CAPITAL INVESTMENT FOR THE REPLACEMENT OF MINIBUSES

The Director for Place and the Director for People submitted a written report seeking approval to implement Phase 2 of the Council's Strategic Vehicle, Plant and Specialist Equipment Replacement Programme relating to the purchase of 26 minibuses for adult social care, home to school transport and special schools.

The Chair drew the attention of Cabinet Members to the private report also submitted and referred to in minute 94 below, on the cost benefit analysis.

Councillor Vincent (Cabinet Member for Environment) presented the proposals and indicated that implementation of this phase would start a rolling programme of vehicle replacement. Councillor Williams (Cabinet Member for Children and Young People) reported that all the schools had been consulted on the proposals and Councillor McDonald (Cabinet Member for Public Health and Adult Social Care) advised that the proposals would widen opportunities for access to the service and would support the personalisation agenda for adult social care.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed the purchase of 26 minibuses, at a cost of £0.98m.

(See also minute 90a below).

90a **Capital Investment for the Replacement of Minibuses - Recommendation to the City Council**

Further to minute 90 above, the City Council is Recommended to add this £0.98m project to the Capital Programme 2013 – 15.

Note:

The full report in connection with this minute is available on the website

www.plymouth.gov.uk/democracy

or by contacting Democratic Support on 01752 304867

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CITY COUNCIL

3 DECEMBER 2012



CABINET MINUTES 91 AND 91a OF 13 NOVEMBER 2012

91. CAPITAL INVESTMENT FOR THE REPLACEMENT OF PLANT AND EQUIPMENT

The Director for Place submitted a written report seeking approval to implement Phase 3 of the Council's Strategic Vehicle, Plant and Specialist Equipment Replacement Programme to renew equipment used by the Street Scene Services and cemeteries.

The attention of Cabinet Members was drawn to the private report also submitted and referred to in minute 95 below on the cost benefit analysis and a comparison between whether to purchase or hire plant and vehicles.

Councillor Vincent (Cabinet Member for Environment) presented the proposals.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed the purchase of the plant, equipment and vehicles as detailed in the report.

(See also minute 91a below).

91a **Capital Investment for the Replacement of Plant and Equipment - Recommendation to the City Council**

Further to minute 91 above, the City Council is Recommended to add this project of £1.707m to the Capital Programme 2013 – 15.

Note:

The full report in connection with this minute is available on the website

www.plymouth.gov.uk/democracy

or by contacting Democratic Support on 01752 304867

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CITY COUNCIL

3 DECEMBER 2012



CABINET MINUTE 84 OF 13 NOVEMBER 2012

GAMBLING ACT 2005 - THREE YEAR REVIEW OF THE STATEMENT OF PRINCIPLES

The Director for Place submitted a written report on the three year review of the City Council's Gambling Act Statement of Licensing Policy and asked the Cabinet to recommend the draft policy to the City Council for adoption.

The report provided a summary of the main changes to the existing policy and proposed a revised three year policy to be effective from 31 January 2013.

The main changes, introduced as a consequence of revised guidance issued by the Gambling Commission and as a result of test purchase operations undertaken by the Public Protection Service, were –

- (a) additional requirements (adequate physical separation, screens and barriers) to limit the sub-division of premises which in turn would control the numbers of high value gaming machines allowed;
- (b) additional measures concerning the layout of individual premises, intended to reduce the risk of children being able to access age-restricted gambling activities; and
- (c) confirmation of the Council's position that non-payment of fees would result in the revocation of the licence.

Councillor Vincent (Cabinet Member for Environment) presented the proposals and indicated that following consultation, two responses were received from the public and further work would be undertaken on how the negative aspects of the policy affected residents.

Cabinet Members were advised that there was currently no evidence linking child poverty to gambling and that the issue would be built into the child poverty strategy.

Alternative options considered and reasons for the decision –

As set out in the report.

The City Council is Recommended to adopt the Gambling Act Statement of Licensing Policy contained in Appendix B to the report.

Note:

The full report in connection with this minute is available on the website

www.plymouth.gov.uk/democracy

or by contacting Democratic Support on 01752 304867

PLYMOUTH CITY COUNCIL

Subject: Gambling Act 2005 – Three Year Review of the Statement of Principles

Committee: Cabinet

Date: 13 November 2012

Cabinet Member: Councillor Vincent

CMT Member: Anthony Payne (Director for Place)

Author: Andy Netherton, Unit Manager, Safety, Health and Licensing Unit

Contact: Tel: 01752 304742
Email: andy.netherton@plymouth.gov.uk

Ref: GA2012/AN/I

Key Decision: No

Part: I

Purpose of the report:

The report provides details of the 3 year review of the City Councils Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31st January 2013. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30th January 2013.

The Gambling Act 2005 (the Act) creates the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery and spread betting. The regulation of gambling aims to promote the following licensing objectives:

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

Plymouth City Council is designated as a licensing authority for the purposes of the Gambling Act 2005 and is responsible for granting premises licenses within its administrative district. Gambling premises would include casinos, bingo halls, betting shops, adult gaming centres and family entertainment centres. The Gambling Commission regulate the operators of gambling activities and how gambling is undertaken.

The Act requires the Council to review and publish a Statement of Licensing Policy every 3 years on how we will exercise our functions over the three year period to which it applies. The Council's existing Statement of Licensing Policy is due to expire on the 30 January 2013, therefore the current review must be completed and the revised policy in place by the 31 January 2013 in order for the Council to be able to continue to administer this legislative function.

The Council's revised policy is divided into three parts.

- Part A sets out a **statement of principles** of how the Council, as the licensing authority, will discharge its functions, its policy on the exchange of information and the better regulation principles that will be applied;
- Part B sets out the **general principles of how the Council will consider applications**, its relationship with other agencies and the relevance of licensing conditions;
- Part C sets out **how the Council will issue gaming machine permits**.

A summary of the main changes to the existing policy is contained in Appendix A and the revised three-year policy to be effective from the 31 January 2013 is contained in Appendix B of this report.

The main changes are as follows:

- Additional requirements (adequate physical separation, screens and barriers) to limit the sub-division of premises which in turn will control the numbers of high-value gaming machines allowed.
- additional measures concerning the layout of individual premises. These are intended to reduce the risk of children being able to access age-restricted gambling activities.
- confirming the Council's position that non-payment of fees will result in the revocation of the licence.

These amendments are introduced as a consequence of revised guidance issued by the Gambling Commission and as a result of test purchase operations undertaken by the Public Protection Service.

Corporate Plan 2012 – 2015:

Deliver Growth – Gambling is a part of the local leisure and entertainment industry offered within the City. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities

Reduce Inequalities – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction. The trade also operates various voluntary schemes to tackle and assist those with gambling addictions.

Value for Communities – The licensing system must be operated to minimise burdens on business, allow for communities to influence and allow for full cost recovery for the costs of administering the licensing system.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

None

The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded.

The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who have determined that its fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified in the Act.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The Equalities Impact Assessment concluded that the new Statement of Licensing Policy would promote equality. It is a statutory requirement that no persons under the age of eighteen shall be permitted entry to age-restricted licensed premises for the purposes of gambling, although there is no upper limit. There are no restrictions that apply to any of the other protected characteristics i.e. disability, gender, race and sexual orientation. Problem gambling can cause significant social and health problems, irrespective of socioeconomic status. The adverse impacts on family members, including children, are also clear (40% of callers to Gamcare reported gambling affected the family, friend or partner). Problem gambling can exacerbate child poverty. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

According to the British Gambling Prevalence Survey 2010, overall 73% of the adult population (aged 16 and over) participated in some form of gambling in Great Britain in the past year. Problem gambling prevalence in 2010 equated to around 451,000 adults aged 16 and over in Britain. Problem gamblers were more likely to be male, younger, have parents who gambled regularly and had experience problems with their gambling behaviour and be a current cigarette smoker.

The report highlights the requirements of the policy that protect children and vulnerable persons and identifies where further work on this topic is required

The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements, in particular in respect to the protection of young persons and other vulnerable persons.

Recommendations & Reasons for recommended action:

That Members consider this report and to:

Recommend to the City Council that the Gambling Act Statement of Licensing Policy contained in Appendix B is adopted

Alternative options considered and reasons for recommended action:

No alternative options are available

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 3 December 2012. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 January 2013 until a new policy statement had been formally approved.

Background papers:

[Gambling Act 2005](#)

[Gambling Commission Guidance to Local Authorities](#)

[Plymouth City Council - Gambling Act Statement of Principles 2010 to 2013](#)

Sign off:

Fin	PlaceFE SC1213 003	Leg	15607/ag /1.11.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member Anthony Payne											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 BACKGROUND

1.1 The Gambling Act 2005 (the Act) contains the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery and spread betting.

The Gambling Commission is responsible for the granting of operating and personal licenses for commercial gambling operators and personnel working in the industry.

1.2 Plymouth City Council is designated as a 'licensing authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its administrative district in respect of;

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.

1.3 The Gambling Commission regulates gaming and certain lotteries. They are responsible for issuing new operating licences under the Act to organisations and individuals who are providing facilities for gambling and personal licences to certain categories of people working in the gambling industry. In general the Gambling Commission regulate the operation of the gambling activities, whilst the Licensing Authority regulates the environment in which the gambling activity takes place, such as the building.

1.4 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who has determined that fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified by the Act.

1.5 The Gambling Act Statement of Licensing Policy is specified within the Council's Policy Framework. In accordance with the Constitution the Cabinet Member for Environment referred the draft Policy to the Overview and Scrutiny Management Board for consultation. The Chair, having considered the nature of the changes and the level of consultation with other interested parties, did not wish it to be discussed by the Board.

2.0 STATEMENT OF LICENSING POLICY

2.1 The Act requires the Council to prepare and publish a Statement of Licensing Policy of how they will exercise their functions over the three-year period to which it applies and how it undertakes its licensing functions in a manner, which is consistent with three licensing objectives. 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 conducted in a fair and open way, and

- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Council's existing Statement of Licensing Policy is due to expire on the 30 January 2013, therefore the current review must be completed and the revised policy in place by this date in order for the Council to continue to be able to administer this legislative function.

2.2 The Council's revised policy is divided into three parts.

- Part A sets out a **statement of principles** of how the Council, as the licensing authority, will discharge its functions, its policy on the exchange of information and the better regulation principles that will be applied;
- Part B sets out the **general principles of how the Council will consider applications**, its relationship with other agencies and the relevance of licensing conditions;
- Part C sets out **how the Council will issue gaming machine permits**.

2.3 Inequalities and the protection of children and vulnerable persons is a priority for the City. The adverse impacts on family members, including children, are also clear (40% of callers to Gamcare reported gambling affected the family, friend or partner). Problem gambling can exacerbate child poverty. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

2.4 The policy includes controls on all forms of gambling premises that will assist in reducing addiction and access to children. This includes;

- Preventing the location of gambling premises near unsuitable locations such as schools, youth clubs etc
- Restricting both deliberate and inadvertent access to gambling for those under 18 years old
- Ensure the physical layout and environment allows staff to identify under age persons
- Promote good practice for under age challenge schemes and ensure adequate staff training
- Promotes and supports schemes to prevent addiction or assist those with an addiction, such as through self exclusion schemes. This includes having information available on support services.

2.5 In addition every application is scrutinised by the Child Protection Team for comment. This may result in objections to the application or the requirement of additional conditions to protect children.

- 2.6 The Public Protection Team also proactively undertakes monitoring of licensed premises through test purchase operations to ensure that persons under age are denied access. Further test purchase operations are planned to test whether improvements put in place have been effective in preventing children and young persons from accessing age-restricted gambling activities which will contribute to reducing child poverty. We will also continue to work with the trade and the Gambling Commission to promote voluntary schemes, such as self-barring, to prevent and reduce gambling addiction.

3.0 PUBLIC CONSULTATION

- 3.1 The Council is required to consult publicly with stakeholders affected by the administration of its functions under the Act. A 12 week public consultation exercise was undertaken between the July and September of this year, which included writing to the following interested parties:

- Citizen's Advice Bureau
- Crime and Disorder Reduction Partnership
- Devon and Cornwall Constabulary
- Plymouth City Council Social Services / Education Department
- Devon & Somerset Fire and Rescue Service
- Environmental Health
- Gambling welfare support organisations
- Gambling Commission
- Local businesses groups
- Local faith groups
- Local residents groups
- NSPCC
- Primary Care Trust
- Existing licence-holders
- Voluntary & Community organisations working with children & young people
- Ward Councillors
- Team Plymouth

- 3.2 Two public responses were received. The Stonehouse Residents Association who suggested no alterations, but acknowledged that the current system was satisfactory. The Spiritual Assembly of the Baha'is of Plymouth acknowledged the commitment of the Council in ensuring the safety and wellbeing of its citizens, however they were gravely concerned about the detrimental effects that gambling may have on the social and long-term economic wellbeing of communities in Plymouth and in particular the impact gambling may have on the spiritual and intellectual development of the younger generations. The limited response is likely to be due to the lack of any significant changes and the non-contentious nature of the policy.

4.0 PROPOSED CHANGES

4.1 This three year review has resulted in some minor changes to the previous policy, a summary of the main changes is attached marked Appendix A.

The main changes are as follows:

- Additional requirements (adequate physical separation, screens and barriers) to limit the sub-division of premises which in turn will control the numbers of high-value gaming machines allowed.
- additional measures concerning the layout of individual premises. These are intended to reduce the risk of children being able to access age-restricted gambling activities.
- confirming the Council's position that non-payment of fees will result in the revocation of the licence.

4.2 Changes to the layout of premises were added following test purchase exercises undertaken by the Public Protection Service that highlighted deficiencies in individual premises that affected the ability of employees to be able to challenge patrons who were likely to be under-age (18 years old).

4.3 The revised policy needs to be considered and adopted by Full Council at the meeting set for 3 December 2012 in order to meet a statutory requirement to publish the revised policy at least four weeks prior to the expiry of the existing policy on the 30 January 2013.

5.0 Future Reviews of Policy

5.1 During the process of developing this policy it became apparent that very little data is available in relation to the effect gambling has on our population, particularly those on low income and links with child poverty. Further work by the Council is planned that will try to identify the scale and nature of how the negative aspects of gambling effects the City. This research will inform a variety of strategies, including the City's Child Poverty Strategy.

5.2 Where evidence from the research identifies the need to change our policy then a further review will be undertaken to ensure the licensing policy protects children and other vulnerable persons from being harmed or exploited by gambling.

Appendix A

SUMMARY OF CHANGES

This is a summary of the main changes to the revised Statement of Licensing Policy to be effective from 31 January 2013, for a three-year period, as required by the Gambling Act 2005.

Part A Statement of Principles	Brief Description of Change
1. Introduction	New detail added regarding the role of the Gambling Commission so that the division of responsibilities is clearer.
2. Licensing Objectives	Clarification of the factors that should and should not be considered when deciding to reject an application. The Council as the licensing authority should only rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met when making decisions. Other considerations such as moral or ethical objections to gambling, or demand, are not valid reasons to refuse an application for premises licenses.
4. Statement of Principles	<p>Additional detail regarding when and how the Council will review the policy under the Gambling Act 2005.</p> <p>It details how the current review was completed and how comments can be made about the policy once in place.</p> <p>Confirms that the Council has had due regard to Licensing Objectives and Gambling Commission guidance when reviewing and drafting the policy</p>
5. Fees	<p>The Gambling Act sets out the standards to be followed in the setting of gambling fees and charges. The Act does not set a specific fee that a licensing authority can charge but sets a maximum that cannot be exceeded.</p> <p>The Council's Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee. The Committee last considered the fees on the 22 February 2011 and resolved that the fees should remain at the maximum to secure full cost recovery in carrying out its regulatory functions as specified in the Act.</p> <p>Confirmation that licences will be revoked where annual fees are not paid</p>

<p>8. Interested Parties</p>	<p>Interested parties can make representations about licence applications. An interested party is defined as a person who lives sufficiently close to the premises, or has business interests that are likely to be affected by the grant of an application.</p> <p>The definition of ‘business interests’ has been clarified and should be given its widest possible interpretation to include, for example, partnerships, charities, faith groups and medical practices.</p>
<p>9. Exchange of Information</p>	<p>The policy sets out in greater detail how the Council as the licensing authority will work closely with the police, responsible authorities and the Gambling Commission. Where there is a need for the exchange of information the Council will have regard to the provisions of the Act and the Data Protection Act 1998.</p> <p>The policy also clarifies how privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to responsible authorities and the Gambling Commission for the purpose of determining licensing applications.</p> <p>The Council as the licensing authority will maintain a public register that is available online on the Council’s web site.</p>
<p>11. Licensing Authority Functions</p>	<p>Clarification that the Council is not involved in the regulation of remote gambling (which is regulated by the Gambling Commission), the National Lottery (the National Lottery Commission) or spread betting (the Financial Services Authority).</p>
<p>Part B Consideration of Applications</p>	
<p>1. General Principles</p>	<p>A loop hole existed that allowed operators to sub-divide their premises, which in turn allowed increased numbers of high-value machines. The Gambling Commission have closed this ‘loop-hole’ by clarifying its guidance.</p> <p>The revised policy states that where multiple licences may have been granted, licences may be reviewed if the licence holder fails to abide by the licensing objectives in respect to the protection of children and vulnerable persons, for example barriers that were in place to physically separate premises may be altered.</p> <p>In addition the Council as the licensing authority reserves the right in re-inspect premises to consider the separation control measures in place having regard to the licensing objectives.</p>

2 Adult Gaming Centres	<p>The revised policy now includes recognition that the design and layout of adult gaming centres will vary, therefore additional factors will be taken into consideration to ensure that staff can properly monitor and regulate the use of age-restricted gaming machines on the premises.</p> <p>These additional factors include line of sight, re-location of gaming machines, door buzzers, training and any other relevant factors.</p>
6. Betting Premises	<p>The revised policy now includes recognition that the design and layout of betting premises will vary, therefore additional factors will be taken into consideration to ensure that staff can properly monitor and regulate the use of age-restricted gaming machines on the premises.</p> <p>These additional factors include line of sight, re-location of gaming machines, door buzzers, training and any other relevant factors</p>
7. Tracks	<p>Although there are no tracks currently licence future applications may be received and so the policy must continue to contain this policy area.</p> <p>The revised policy now includes recognition that the design and layout of tracks will vary, therefore additional factors will be taken into consideration to ensure that staff can properly monitor and regulate the use of age-restricted gaming machines on the premises.</p> <p>These additional factors include line of sight, re-location of gaming machines, door buzzers, training and any other relevant factors</p>
Part C Permits	
1. Unlicensed Family Entertainment Centres	Includes a definition of an unlicensed family entertainment centre to mean ‘a premises which provides low value gaming machines along with other amusements such as computer games and penny pushers’.
2. Alcohol Licensed Premises (Gaming machine permits)	Clarification that a plan must accompany an application indicating where and what type of gambling machines are to be provided.
6. Small Society Lotteries	Links to the Gambling Commission guidance on the definition of small society lotteries is included.

Please note: That minor alterations including dates/grammar and formatting etc. made to the revised policy are not included in this summary.

Appendix B

Gambling Act 2005 Statement of Licensing Policy

Effective from 31st January 2013 for 3 years

Part A - Statement of Principles

I. Introduction

- I.1 The Gambling Commission was set up under the Gambling Act 2005 (The Act) to regulate gambling in Great Britain in partnership with licensing authorities. The Commission is an independent non-departmental public body sponsored by the Department for Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Commission licenses.

The Commission issues permits for gambling and, through effective regulation and public engagement, ensures that crime is kept out of gambling; that gambling is fair and open; and that children and the vulnerable are protected.

The Commission works closely with other regulators, including licensing authorities, and with bodies such as police and HM Revenue and Customs to regulate the gambling industry. (Gambling Commission: Who are and what we do; April 2011)

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission,
Victoria Square House,
Victoria Square,
BIRMINGHAM,
B2 4BP

www.gamblingcommission.gov.uk

Email: info@gamblingcommission.gov.uk

- I.2 Plymouth City Council is designated as a 'licensing authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its district in respect of;

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.

The Act requires the Council to prepare and publish a Statement of Licensing Policy that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

2. The Licensing Objectives

2.1 The Licensing Authority has a duty under the Gambling Act 2005 (from now on referred to as the Act) to carry out its licensing functions in a manner, which is consistent with three licensing objectives. The relevant 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 conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.2 In discharging its responsibilities under the Act and in making decisions in relation to premises licences and temporary use notices (S.153), this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that its use will be:

- 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,
- In accordance with this Licensing Authorities Statement of Principles

2.3 This Licensing Authority particularly notes the Gambling Commission's latest guidance to Local Authorities (4th Edition – September 2012) (from now on referred to as the Gambling Commission's Guidance).

“In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers.”

2.4 Each case will be considered on its merits

2.5 In deciding whether or not to grant a licence, this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.

3. The Geographical Area

3.1 Plymouth is the second largest City in the South West with a residential population in the region of 256,400 (Census data 2011). Plymouth has a rich combination of heritage and natural beauty in what is a thriving maritime city that attracts millions of visitors.

3.2 The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side. Plymouth's rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.

- 3.3 It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).
- 3.4 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant City, which in turn continues to be a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.



4. Statement of Principles

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years (or alternate time period as may be imposed by statutory provision). The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

This Statement of Principles is written to conform to the provisions of the Act and its associated regulations. The Gambling Commission’s Guidance issued under S.25 of the Act by the Gambling Commission outlines the way that this Licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.

- 4.2 This Statement or Principles is effective from the 31st January 2013 for a three-year period (or alternate time period as may be imposed by statutory provision) after which time it will be the subject of a further public consultation. The Statement of Principles may also be reviewed from time to time where there are significant changes in government guidance at which point an appropriate public consultation will be undertaken prior to any amendments being re-published.

The Statement of Principles can be seen in the Councils website
<http://www.plymouth.gov.uk/homepage/business/licensing/gambling/gamblingpolicy.htm>

Copies are available for viewing at the Council Offices, Civic Centre, Armada Way, Plymouth, PL1 2AA, by appointment.

Should you have comments regarding this Statement of Principles please write to the Public Protection Service Manager at the above address or email to licensing@plymouth.gov.uk

It should be noted that 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 will be considered on its own merits and according to the statutory requirements of the Act.

Review Procedures

- 4.3 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - 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.
- 4.4 This Authority will also consult relevant organisations and interested parties who it considers have a relevant legal or professional interest to comment, and consider any other contribution from any other person, business or organisation that it considers as relevant.

Organisations and Interested Parties

This Authority may consult the following organisations /persons as part of any public consultation;

- Citizen's Advice Bureau
- Crime and Disorder Reduction Partnership
- Devon and Cornwall Constabulary
- Plymouth City Council Social Services / Education Department
- Devon & Somerset Fire and Rescue Service
- Environmental Health
- Gambling welfare support organisations
- Gambling Commission
- Local businesses groups
- Local faith groups
- Local residents groups
- NSPCC

- Primary Care Trust
- Existing licence-holders
- Voluntary & Community organisations working with children & young people
- Ward Councillors
- Team Plymouth

4.5 Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

Our most recent public consultation closed on the 28 September 2012 after a 12 week period.

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

5. Fees

5.1 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded.

The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee.

5.2 This Licensing Authority takes the matter of non-payment of annual licence fees seriously and in accordance with Section 193 of the Gambling Act 2005 where an operator fails to pay, without reasonable excuse, the annual fees the Licensing Authority shall revoke the premises licence.

When dealing with public money the Council has a duty to secure prompt payment as any delay in settling debt can undermine the effective operation of services within the city. Prompt payment of bills will avoid possible imposition of late payment charges.

The same principles will apply to permits and this Licensing Authority will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the permit.

Each case will be treated on its own merits and consideration may be given to mitigating circumstances.

6. Relationship with Other Legislation

6.1 This Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.

6.2 The grant of a licence does not imply the approval of other legislative requirements.

Applicants for Premises Licences for Casinos, Bingo Halls, Adult or Family Entertainment Centres (licensed or unlicensed) or Permits are advised to speak to the Planning Department of this Council before making a formal application to the Licensing Authority. The Planning Department can be contacted at;

Plymouth City Council,

Civic Centre,
Armada Way,
Plymouth.
PL1 2AA.
Tel: 01752 304366
Email: - planningconsents@plymouth.gov.uk

7. Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations to the Licensing Authority in relation to the applications. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives (Para 8.1). The responsible authorities are detailed in Appendix A.
- 7.2 This Licensing Authority is required by regulation to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the Gambling Commission's Guidance this Authority designates the **Children's Social Care, Safeguarding Team, Plymouth City Council** for this purpose.

8. Interested Parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows;
- “For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person -
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - Has business interests that might be affected by the authorised activities, or
 - Represents persons who satisfy paragraph (a) or (b)” (S.158)
- 8.2 This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles that this Licensing Authority will apply are that:
- Each case will be decided upon its merits.
 - Will not apply a rigid rule to its decision-making.
 - It will consider the examples of considerations provided in the Gambling Commission's Guidance.

These examples include interested parties who may be democratically elected councillors and MPs; people living close to the premises; the nature and scope of

business interests that could be affected; and people who may represent those in the above categories.

Other than these the licensing authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 8.3 This Licensing Authority will also consider the Gambling Commission's Guidance that 'business interests' should be given the widest possible interpretation and include, for example partnerships, charities, faith groups and medical practices .

9. Exchange of Information

- 9.1 This Licensing Authority is required to include in their Statement of Principles the procedure to be applied in exercising the functions under S.29 and 30 of the Act in respect to the exchange of information with the Gambling Commission. The functions under S.350 of the Act with the respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.
- 9.2 This Licensing Authority will apply the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. In addition this Licensing Authority will also have regard to any Guidance issued by the Gambling Commission, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 9.3 This Licensing Authority will work closely with the Gambling Commission, Devon and Cornwall Police and with Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established as regards the exchange of information with other bodies then they will be made available.
- 9.4 The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.
- 9.5 This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and this will be available on the Council's web site at <http://www.plymouth.gov.uk/licensingregister.htm>

10. Enforcement

- 10.1 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 S.346 of the Act to institute criminal proceedings in respect of the offences specified.
- 10.2 This Licensing Authority's compliance and enforcement functions will be guided by the Gambling Commission's Guidance, Regulators Compliance Code, Better Regulation principles and the Public Protection Service Enforcement Policy in that the following guiding principles should apply;

- **Proportionality:** - regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountability:** - regulators must be able to justify decisions, and be subject to public scrutiny;
- **Fairness and Consistency:** - rules and standards must be joined up and implemented fairly;
- **Openness and Transparency:** - regulators should be open, and keep regulations simple and user friendly; and
- **Targeted Enforcement:** - regulation should be focused on the problem, and minimise side effects.

10.3 In line with the Gambling Commission's Guidance this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as reasonably possible.

10.4 This Licensing Authority has adopted and implemented a risk-based inspection programme based on;

- The Licensing Objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- Public Protection Service Enforcement Policy
- The principles set out in this statement of principles

10.5 The enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions, which it authorises.

Plymouth City Council enforcement policy is available upon request from the:

Licensing Section,
Public Protection Service,
Plymouth City Council,
Civic Centre,
Armada Way,
Plymouth,
PL1 2AA.
Tel: 01752 304141
Email: - licensing@plymouth.gov.uk.

11. Licensing Authority Functions

11.1 Licensing Authorities have a duty under the Act to;

- Issue premises licences where gambling activities are to take place
- Issue Provisional Statements where gambling activities are to take place
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from premises licensed under the Licensing Act 2003 for the use of up to two gaming machines on the premises
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines on the premises
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission
- Maintain registers of the permits and licences that are issued

Local licensing authorities are not involved in licensing remote gambling, which is regulated by the Gambling Commission via operating licences. The National Lottery is regulated by the National Lottery Commission, Remote Gambling is dealt with by the Gambling Commission and Spread Betting is regulated by the Financial Services Authority.

12. The Licensing Process

- 12.1 A Licensing Committee, a Licensing Sub-Committee, or an officer acting under delegated authority may carry out the powers of the Licensing Authority under the Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are delegated to licensing officers.
- 12.3 This Licensing Authority will ensure that all Licensing Officers and Members of the Licensing Committee receive adequate training to enable them to undertake their role under the Act.
- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Licensing Sub-Committee is delegated to hear the matter.

Part B - Premises Licences - Consideration of Applications

I. General Principles

Introduction

- 1.1 Premises Licences are subject to the requirements set out in the Act and associated regulations, as well as specific mandatory and default conditions, which are 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.
- 1.2 This Licensing Authority is aware that in its decision-making about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is;
- In accordance with any relevant code of practice or guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives
 - In accordance with the Licensing Authority's Statement of Principles.

It is appreciated that in line with the Gambling Commission's Guidance "**moral objections to gambling are not a valid reason to reject applications for premises licences**" (except as regards to any 'no casino resolution' - see section on Casinos below).

The absence of unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

Definition of "Premises"

- 1.3 This Licensing Authority will have regard to the definition of 'premises' as set out in the Section 152 of the Act to include 'any place'. In addition that the intention of Section 152 is to prevent more than one premises licence applying to any place.

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, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be given to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

Multiple Licences

- 1.4 This licensing Authority will have regard to the Gambling Commission's Guidance that states '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. But, 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.'

- I.5 This Licensing Authority will have regard to the clarification of guidance issued by the Gambling Commission in respect to any premises granted multiple licences. These premises may be inspected to reconsider the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives, in particular to the protection of children and vulnerable persons from being harmed or exploited from gambling.
- I.6 This Licensing Authority takes particular note of the Gambling Commission's Guidance, 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
- I.7 This Licensing Authority may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case.
- Do the premises have a separate registration for business rates?
 - 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 have regard to the Gambling Commission's Guidance on relevant access provisions for each premises type

Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

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

Tracks

- No customer should be able to access the premises directly from:
 - A casino
 - An adult gaming centre

Bingo Premises

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

Family Entertainment Centre

- No customer must be able to access the premises directly from
 - A casino
 - An adult gaming centre
 - A betting premises, other than a track

Part 7 of the Gambling Commission's Guidance also contains further guidance on this issue, which this authority will also take into account in its decision-making.

Provisional Statements

- 1.8 This Licensing Authority will have regard to the Gambling Commission's Guidance that a licence to use premises for gambling should only be issued in relation to premises where the licensing authority can be satisfied that the premises are going to be **ready to be used for gambling** in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

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

- 1.9 This Licensing 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 and will have regard

to the detailed examples of the circumstances in which such a licence may be granted set out in the Gambling Commission's Guidance.

Location of Premises

- 1.10 This Licensing Authority is aware that demand issues cannot be considered with regard to the "location of premises" but that considerations in terms of the licensing objectives are relevant to its decision-making. This Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling in addition to issues of crime and disorder.

This Licensing Authority will have regard to any further guidance as regards areas where gambling premises should not be located although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In determining whether a premises location is suitable for the grant of a licence, this Licensing Authority will have particular regard to the following factors:-

- The proximity of the premises to any school, centre or establishment for the education, training or care of young and/or vulnerable persons
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons
- The proximity of any other area or location where young and / or vulnerable persons could congregate

Relationship with Other Agencies

- 1.11 This Licensing Authority is aware of the overlap with planning, building regulations in the granting of a premises licence. In determining applications this Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 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

Crime and Disorder

- 1.12 This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime or being used to support crime and will pay attention to the proposed location of gambling premises in terms of this licensing objective. Where evidence is submitted that an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it will be taken into account.

Openness

- 1.13 This Licensing Authority is aware that the Gambling Commission has responsibility for ensuring that gambling is conducted in a fair and open way via operating and personal licences. The Licensing Authority will need to consider this objective in detail and may add conditions in situations where an operating licence is not in place, such as in the licensing of tracks.

Children and Vulnerable Persons

- 1.14 This Licensing Authority has noted the Gambling Commission's Guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

This Licensing Authority recognises that the Gambling Commission does not seek to offer a definition of the term "vulnerable persons" but that "it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs".

Where physical barriers are required to separate activities due to differing age restrictions the applicant must provide sufficient information with regards to the height, transparency and materials to be used. The licensing authority will require barriers to be designed and constructed to prevent inadvertent access and viewing of restricted areas. Adequate supervision within these areas must also be maintained.

Licensing Conditions That May Be Imposed

- 1.15 This Licensing Authority will consider the imposition of conditions on a case-by-case basis. Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises: and
- Reasonable in all other respects.

This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the ways in which the licensing objectives can be met effectively when making their application e.g. the use of supervisors, appropriate signage for adult only areas etc.

- 1.16 This Licensing Authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-restricted premises in order to pursue the licensing objectives.

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted that the following measures are considered.

- 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.

- 1.17 This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective 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.

Conditions That May Not Be Imposed

- 1.18 This Licensing Authority will not attach conditions to premises licences, which;
- are impossible to comply with as an operating licence condition;
 - relate to gaming machine categories, numbers, or method of operation;
 - 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
 - are in relation to stakes, fees, winning or prizes

Door Supervisors

- 1.19 Where premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then this Licensing Authority may require that the entrances to the premises are controlled by a door supervisor and is entitled to attach such conditions to the premises licence.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed.

2. Adult Gaming Centres

- 2.1 This Licensing Authority will specifically have 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 authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Appropriate licence conditions may cover issues such as:

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

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

- 2.2 This Licensing Authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Additional factors to be taken into consideration will include to following:

- Visual observation
- Re-location of the machines
- Door buzzers
- Remote cut off switches
- Training provision

- Any other factor considered relevant

2.3 This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision-making.

2.4 This Licensing Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

3. **(Licensed) Family Entertainment Centres**

3.1 This Licensing Authority will specifically have 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 authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.

3.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Door supervisors
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Self-barring schemes
- Specific opening hours
- Supervision of entrances / machine areas

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

3.3 This Licensing Authority recommends applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice in respect to Adult Gaming Centres and Family Entertainment Centres.

4. **Casinos**

Casino – Local Policy

4.1 This Licensing Authority has not passed a **'no casino' resolution** under Section 166 of the Gaming Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council. Similarly, a resolution will not affect the ability of the casinos with

preserved entitlements from the 1968 Gaming Act from continuing to operate as casinos.

- 4.2 This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed, and the Licence Conditions and Codes of Practice published by the Gambling Commission.
- 4.3 This Licensing Authority will 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.

5. **Bingo premises**

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance that it should take steps 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 those excluded areas.
- 5.2 This Licensing Authority will consider it an unusual circumstance in which the **splitting of pre-existing premises** into two adjacent premises might be permitted. In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' and how it relates to the primary gambling activity.
- 5.3 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.

Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. This Licensing Authority will also take note of any restrictions and requirements on the Operating Licences for betting premises as regards credit.

6. **Betting premises**

- 6.1 This Licensing Authority will consider whether it is appropriate to restrict the number of betting machines, their nature and the circumstances in which they are made available by way of licence condition for betting or casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in a particular premises, this Licensing Authority, amongst other things, will 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 persons."

- 6.2 This Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Factors to be taken into consideration will include to following:

- CCTV
- Visual observation
- Re-location of the machines
- Door buzzers
- Remote cut off switches
- Training provision
- Any other factor considered relevant

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

7. Tracks

- 7.1 This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (that is the protection of children 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.

- 7.2 This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children 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.

- 7.3 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Location of entry
- Notices / signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Self-barring schemes

- Specific opening hours
- Supervision of entrances / machine areas

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

Gaming Machines

- 7.4 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.

Applicants are advised to consult the Gambling Commission's Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority will take note of this guidance. This Licensing Authority will also, in line with the Gambling Commission's Guidance, consider the location of gaming machines at tracks.

Betting Machines

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

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines, this Licensing Authority will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

Applications and Plans

- 7.6 Section 51 of the Act 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 to plan future premises inspection activity.

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.

- 7.7 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.

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.

- 7.8 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that

betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

8.1 Where category D machines and/or equal chance prize gaming without a permit are available for use at travelling fairs, this Licensing Authority is responsible for deciding whether the facilities for gambling are no more than an ancillary amusement at the fair.

8.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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 it is the same or different travelling fairs occupying 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.

9. Provisional Statements

9.1 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.

9.2 S.204 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.

9.3 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.

9.4 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.

9.5 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.

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

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises have 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.

9.7 Once an operator has completed a building, the licensing authority will be able to consider a premises licence application for it. Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements, for example, that Category C and D machines in a licensed family entertainment centre are situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities however it is for this Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review 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 the licensing objectives; and
- In accordance with the Licensing Authority's Statement of Principles.

10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 This Licensing Authority can also initiate a review of a particular premises licence or a particular class of premises licence on the basis of any reason, which it thinks is appropriate.

10.4 Once a valid application for a review has been received, 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.

- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 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;
- Add, remove or amend a licence condition imposed by the licensing authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months; and
 - Revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, this Licensing Authority will have regard to the principles set out in S.153 of the Act, as well as any relevant representations.

In particular, this 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 will, 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

Part C - Permits/Temporary & Occasional Use Notices

I. **Unlicensed Family Entertainment Centres (Gaming Machine Permits)**

I.1 The term **'unlicensed family entertainment centre'** (uFECs) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements, such as computer games and penny-pushers. The premises is 'unlicensed' in that it does not require a premises licence, but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.

uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.

This Licensing Authority will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide uFEC.

In line with the Act, while this Licensing Authority will not attach conditions to this type of permit it can refuse applications if not satisfied that issues raised in this Statement of Principles have been addressed in the application.

I.2 Where an establishment does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (S.238 of the Act).

I.3 This Licensing Authority notes the Gambling Commission's Guidance which states that 'An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and if the Chief Officer of Police has been consulted on the application...' and will consider asking the applicant to demonstrate;

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- That staff are, or will be trained to have a full understanding of the maximum stakes and prizes

I.5 This Licensing Authority will not attach conditions to this type of permit.

I.6 This Licensing Authority Statement of Principles clarifies the measures that this licensing authority will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow this licensing authority to better determine the suitability of the applicant and the premises for a permit.

I.7 Within this process this Licensing Authority will aim to grant the permit where the applicant is able to demonstrate that:

- They are a fit and proper person to hold the permit
- They have considered and are proposing suitable measures to promote the licensing objectives, and
- They have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this Statement of Licensing Policy should be read as guidance only and this Licensing Authority will consider any alternative measures suggested by the applicant, not included, and to substitute measures as appropriate

- 1.8 This Licensing Authority will require the following **supporting documents** to be served with all uFEC gaming machine permit applications:
- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
 - Proof that the applicant has the right to occupy the premises - acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
 - A criminal records disclosure check issued within the previous month. This will be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
 - Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
 - A plan of the premises for which the permit is sought showing the following items:
 - (i) The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (ii) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
 - (iii) The positioning and types of any other amusement machines on the premises
 - (iv) The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (v) The location of any ATM/cash machines or change machines
 - (vi) The location of any fixed or temporary structures such as columns or pillars
 - (vii) The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (viii) The location of any public toilets in the building

Unless otherwise agreed, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

- 1.9 This Licensing Authority will specifically have 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 authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.

Harm in this context is not limited to harm from gambling, but includes wider child protection considerations. The council will consider these policies and procedures

on their merits but should (depending on the particular permit being applied for) include appropriate measures/training for staff having regard to the following:

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address problems associated with truant children who may attempt to gain access to the premises and to gamble when they should be at school
- Employ policies to address any problems that may arise when there is an increased likelihood that children may frequent the premises in greater numbers, such as half terms and summer holidays
- Maintain information at the premises of the term times of any local schools in the vicinity and to review staffing levels during these times
- Display posters with the 'Child Line' phone number in discreet locations throughout the premises e.g. toilets, corridors
- Maintain a register of any incidents that arise on and around the premises related to children i.e. children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. The register can be used to detect any trends which require action by the management of the premises.
- Take steps to ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Undertake satisfactory disclosure checks (criminal records checks) for all staff who will be working with children.

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

1.10 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to **protect vulnerable persons**. This Licensing Authority will assess the submitted policies and procedures on their merits, but (depending on the particular permit being applied for) should include appropriate measures/training for staff relating to the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines, including the display of Gamcare stickers on any such machines.

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

1.11 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the exterior of the premises clean and tidy
- Ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.

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

2. (Alcohol) Licensed Premises (Gaming Machine Permits)

Automatic Entitlement: 2 Machines

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Licensing Authority will consider removing an automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines)
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

Permit: 3 or More Machines

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “other such matters as the Authority think relevant.” This Licensing Authority considers that “such matters” will be decided 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 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 being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18, or suitable Challenge scheme. 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.

2.3 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 but conditions (other than these) cannot be attached.

- 2.4 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.
- 2.5 A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.
- 2.6 Applicants should be aware that only those premises which have a 'bar' (server) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only, sell alcoholic drinks as an ancillary to food will no longer automatically qualify for two machines.

3. Prize Gaming Permits

- 3.1 The Act states that a licensing authority must prepare a Statement of Licensing Policy 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'.
- 3.2 This Licensing Authority will expect the applicant to set out the types of gaming that he or she is 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
 - Clear policies that outline the steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit the Licensing Authority does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission's Guidance (Schedule 14 and Para 8.3).
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

- 4.1 Member's Clubs (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 (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

4.2 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 regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. 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'.

4.3 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

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

4.4 There is also a '**fast-track**' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to licensing 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 an Authority can refuse a permit are reduced' and

'The grounds on which an application under the process may be refused are:

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

4.5 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 complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 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.

- 5.2 This Licensing Authority will 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 Act (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's Guidance. 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.

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

6. Small Society Lotteries

- 6.1 Under the Act a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories.

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with Plymouth City Council)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and their website:

http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries/getting_a_licence-what_you_n/do_i_need_a_licence/circumstances_in_which_you_do.aspx

7. Occasional Use Notices

- 7.1 This 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. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 7.2 This Licensing Authority will consider any guidance issued by the Gambling Commission or any other statutory agency (please refer to the glossary at the end of this document) regarding non-commercial betting and race nights of how their activities can be regulated within the Act. Similarly, for gaming activities such as poker played in licensed premises, further details are set out in the glossary at the end of this document.

8. Vessels

- 8.1 This Licensing Authority when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.
- 8.2 Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the licensing authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel. The licensing authority will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provisions, all of which are subject to regulations, which must be met before the vessel is issued with a Passenger Certificate and Safety Management Certificate. It is expected that if the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises will normally be accepted as meeting the public safety objectives. In respect of other public safety aspects, representations made to the licensing authority by the Maritime and Coastguard Agency will be given particular weight.

Disclaimer: This Licensing Authority wishes to make clear that the Gambling Commission's Guidance to Local Authorities (4th Edition – Sept 2012) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. This Licensing Authority will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.

Appendix A - Responsible Authorities Contacts (non emergency calls only)

Licensing Authority

Licensing Office
Public Protection Service
Plymouth City Council
Civic Centre
Plymouth, PL1 2AA

Tel: 01752 304141
Fax: 01752 226314
Email: licensing@plymouth.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham, B2 4BP

Tel: 0121 230 6666
Fax: 0121 230 6720
Email: - info@gamblingcommission.gov.uk

H M Revenue & Customs

The Apex
2 Brest Road
Derriford Business Park
Plymouth
Devon
PL6 5XS

Tel: 0845 300 626

Child Protection

Child Protection Team,
Social Services,
Midland House,
Notte Street,
Plymouth,
PL1 2EG

Tel: 01752 306340
Email: childprotect@plymouth.gov.uk

Devon & Cornwall Police

Licensing Department,
Launceston Police Station,
Moorland Road,
Launceston,
Cornwall,
PL15 7HY

Tel: 01566 771309 Fax: 01566 771388
Email: licensingwest@devonandcornwall.pnn.police.uk

Devon & Somerset Fire and Rescue Service

West Devon Headquarters,
Glen Road,
Plympton,
Plymouth,
PL7 3XT

Tel: 01752 333600 Fax: 01752 333640
Email: westfiresafety@devfire.gov.uk

Public Protection Service

Public Protection Service
Plymouth City Council
Civic Centre
Armada Way
Plymouth, PL1 2AA

Tel: 01752 304141; Fax: 01752 226314
E-mail: public.protection@plymouth.gov.uk

Planning & Regeneration

Planning Consents
Plymouth City Council
Civic Centre
Plymouth, PL1 2AA

Tel: 01752 304366;
Fax: 01752 305523
E-mail: planningconsents@plymouth.gov.uk

Maritime & Coastguard Agency (Boats only)

Plymouth Marine Office
New Fish Market
Sutton Harbour
Plymouth, PL4 0LH

Tel: 01752 266211
Fax: 01752 225826
Email: plymouthmo@mcga.gov.uk

References

DCMS - Department of Culture, Media, and Sport

<http://www.culture.gov.uk/whatwedo/gamblingandracing/3305.aspx>

Race Nights under the Gambling Act 2005

Poker under the Gambling Act 2005

Factsheets – bingo, casino nights, poker, race nights, arcades, gaming machines in pubs and clubs, etc

LACORS - The Local Authority Coordinators of Regulatory Services

Gambling Commission – Documents

<http://www.gamblingcommission.gov.uk/>

Poker in Pubs - Advice on allowing poker in alcohol licensed premises (July 2009)

Advice on Gaming in clubs and alcohol licensed premises: Gambling Act 2005 (Sept 2008)

Note – Specific guidance on activities such as **poker in pubs, race nights and lotteries** may be obtained by visiting the above-mentioned web sites

Glossary

An Interested Party – is a person, in the opinion of the Licensing Authority who:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)

Responsible Authority –

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) The Chief Officer of Devon & Cornwall Constabulary
- (iv) The Devon and Somerset Fire & Rescue Service.
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body, which is designated in writing for the purpose of this paragraph, by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm:
- (vii) And any other person prescribed by regulations by the Secretary of State.

PLYMOUTH CITY COUNCIL

Subject: The 2013 Review of Parliamentary Constituencies in England
Committee: City Council
Date: 3 December 2012
Cabinet Member:
CMT Member: Assistant Director for Democracy and Governance
Author: Nigel Spilsbury, Electoral Services Manager
Contact: Tel: 01752 304861
email: nigel.spilsbury@plymouth.gov.uk
Ref: E3/Parliamentary Review 2012
Key Decision: No
Part: I

Purpose of the report:

This report advises on revised proposals published by the Boundary Commission for England relating to the review of parliamentary constituency boundaries as affects the City of Plymouth. The City Council is invited to consider any representations it wishes to make in respect of those revised proposals before the 10th December 2012.

Corporate Plan 2012 – 2015:

This report complies with statutory obligations and requirements. There is no specific relationship with the Corporate Plan.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Nil

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

It is unclear at this stage whether the revised proposals will have a specific impact on these matters.

Recommendations & Reasons for recommended action:

That Council consider what representations it wishes to make to the Boundary commission on the revised proposals.

Alternative options considered and reasons for recommended action:

N/A

Background papers:

All background papers and information – available from Boundary Commission for England website
<http://consultation.boundarycommissionforengland.independent.gov.uk/>

Sign off:

Fin	PG/CorpSFDCI 213003.07.11.12	Leg	16030/ DVS	HR	N/A	Corp Prop	N/A	IT	N/A	Strat Proc	N/A
Originating SMT Member: Tim Howes											

1.0 Introduction and Background

1.1 The Boundary Commission for England (BCE) has the task of periodically reviewing all the Parliamentary constituencies in England.

1.2 It is currently conducting a review on the basis of new rules laid down by Parliament in the Parliamentary Voting System and Constituencies Act 2011. The new rules mean that there will be substantial changes to Parliamentary constituencies. These include: -

- Reducing the total number of constituencies from 533 to 502 (Overall in the United Kingdom from 650 to 600), and
- Making sure that each constituency contains a similar number of registered electors

This Act specifies that every constituency must have an electorate that is no less than 95% and no more than 105% of the UK electoral quota (apart from specified exceptions such as the Isle of Wight). The UK electoral quota for this review is 76,641. This means that every constituency will have an electorate no smaller than 72,810 and no larger than 80,473. There are a number of other factors the BCE may take into account, specifically: -

- Special geographical considerations
- Local government boundaries
- Boundaries of existing constituencies
- Local ties

The BCE has published a guide to the 2013 review which describes in detail the overall requirements and policy in developing the parliamentary boundary proposals. A copy of this report can be downloaded from: -

<http://consultation.boundarycommissionforengland.independent.gov.uk/>

2.0 The Review Process and General Timetable

2.1 The review began in March 2011 with the BCE publishing breakdowns of the electorate for each ward, local government area and constituencies. Initial proposals were published for consultation on 13 September 2011.

2.2 At Stage 2 of the review the BCE published 'initial' proposals, which were open to public consultation until the 5 December 2011. This consultation included holding 36 public hearings and receiving over 22,000 written representations.

2.3 Following Stage 2 the BCE published all representations received and conducted further consultation on the proposals over a four week period. A further 572 written representations were received. During Stage 3, following careful consideration of the evidence presented, the BCE decided that it was appropriate to revise initial proposals in some areas.

2.4 On the 16 October 2012 (the current Stage 4) the BCE published revised proposals, with a consultation period running until 10 December 2012.

2.5 At Stage 5 (final stage) the BCE will consider all representations received, before making a final recommendation to the Government. This must be undertaken by 1 October 2013.

- 2.6 The Government will then present legislation to Parliament, for approval.
- 2.7 Implementation is scheduled from the next General election.

3.0 The Revised Proposals – As affecting Plymouth

- 3.1 Under the changes to the initial proposals the two Plymouth constituencies will each swap a ward. It is proposed to move Eggbuckland ward from the new Plymouth Devonport Borough constituency to the new Plymouth Sutton Borough constituency, with St Peter and the Waterfront ward moving in the opposite direction.

The proposed constituency of Tavistock and Plympton will be made more Plymouth facing and focus on the Plymouth travel to work area. The revised seat will lose Okehampton to the north, while gaining Ivybridge and Wembury/Brixton wards in the South Hams.

3.2 Composition of the Plymouth Devonport Borough Constituency

Ward	Electorate
Budshead	9,660
Devonport	9,616
Ham	9,631
Honicknowle	10,298
St Budeaux	9,642
St Peter and the Waterfront	9,390
Southway	9,713
Stoke	9,359
Total	77,309

The initial proposal included Eggbuckland ward in this constituency (see below)

Current constituency: The current equivalent constituency would be Plymouth, Moor View, comprising Budshead, Eggbuckland, Ham, Honicknowle, Moor View, St Budeaux and Southway.

Plymouth Sutton Borough Constituency

Ward	Electorate
Compton	9,311
Drake	4,520
Efford and Lipson	9,322
Eggbuckland	10,355
Peverell	10,154
Plymstock Dunstone	9,828
Plymstock Radford	9,822
Sutton and Mount Gould	9,564
Total	72,876

The initial proposals included St Peter and the Waterfront ward in this constituency (see above) and Wembury and Brixton (see below).

Current constituency: The nearest current equivalent to this constituency is Plymouth, Sutton and Devonport, comprising Compton, Devonport, Drake, Efford and Lipson, Peverell, St Peter and the Waterfront, Stoke and Sutton and Mount Gould.

Tavistock and Plympton County Constituency

Ward	Electorate
Moor View	9,257
Plympton Chaddlewood	6,219
Plympton Erle	6,914
Plympton St Mary	10,113
Bickleigh and Shaugh	3,738
Cornwood and Sparkwell	1,918
Ivybridge Central	1,985
Ivybridge Filham	3,958
Ivybridge Woodlands	3,423
Newton and Noss	1,566
Wembury and Brixton	3,759
Yealmpton	1,721
Bere Ferris	2,509
Buckland Monachorum	2,726
Burrator	1,264
Lydford	1,250
Mary Tavy	1,391
Milton Ford	1,351
Tamarside	1,304
Tavistock North	4,348
Tavistock South	3,453
Tavistock South West	1,720
Thrushel	1,376
Walkham	2,481
Total	79,744

The proposed Tavistock and Plympton constituency is completely new and comprises three local authority areas: -

- Plymouth City Council (32,503 electors)
- South Hams District Council (22,068 – initial proposals was 5,656 electors) , and
- West Devon Borough Council (25,173 – initial proposals was 33,720 electors)

The revised proposal also differs considerably from the initial proposals: -

Out go the wards of Broadheath, Forest (Torrige District Council – 2784 voters), Bridestowe, Lew Valley, Okehampton East, Okehampton West (West Devon Borough Council – 8,547 voters):

Maps of the proposed new boundaries are attached or can be viewed on the BCE website or in the Electoral Services Office.

<http://consultation.boundarycommissionforengland.independent.gov.uk/>

4.0 How does this affect the administration of a Parliamentary General election?

- 4.1 Section 24 of the Representation of the People Act 1983 specifies who the Returning Officer and Acting Returning Officer appointed to run a Parliamentary General election should be.
- 4.2 In the case of a borough constituency which is wholly contained in a local authority area, the duty will fall to the Chairman of the Council and appointed Electoral Registration Officer. This will apply to the proposed Plymouth Devonport and Sutton borough constituencies and the role would be undertaken in Plymouth.
- 4.4 In the case of designated county constituencies, the Sheriff of the county is appointed as Returning Officer. However, the Acting Returning Officer is designated by the Secretary of State. This applies to the proposed Tavistock and Plympton county constituency.

As Plymouth has the greater part of the electorate for this constituency it is more than likely that the Secretary of State will designate the role of Acting Returning Officer to Plymouth.

5.0 What is the next step in the review process?

- 5.1 The BCE commenced the consultation on the revised proposals on Tuesday 16 October and is encouraging everyone to use the opportunity to “help finalise the design of the new constituencies”.

The main focus of the BCE during this consultation will concern comment on the ‘revised proposals’. They will consider representations on the initial proposals but will need ‘compelling’ further evidence or submissions to persuade them to make changes to proposals that have already ‘withstood intensive scrutiny’.

- 5.2 The BCE have also emphasised that anyone ‘making a representation on a specific area to bear in mind the knock-on effects of their proposals’ (i.e. consider the impact of counter-proposals on neighbouring constituencies and possibly those further afield).
- 5.3 During previous Parliamentary constituency boundary reviews it has been the practice for the political parties to submit representations directly or to make comments about proposals directly to the BCE.

There are two ways to submit views on the initial proposals either in writing, by email or by using the BCE consultation website. Representations need to be submitted by the 10th December 2012.

- 5.4 On the 5th December 2011, the following motion was presented to Council in respect of the initial proposals, ‘This Council objects in the strongest terms to the Boundary Commission proposals for the redrawing of Parliamentary Boundaries in so far as they affect wards in the City of Plymouth.’ Following consideration of an amendment the motion was withdrawn.

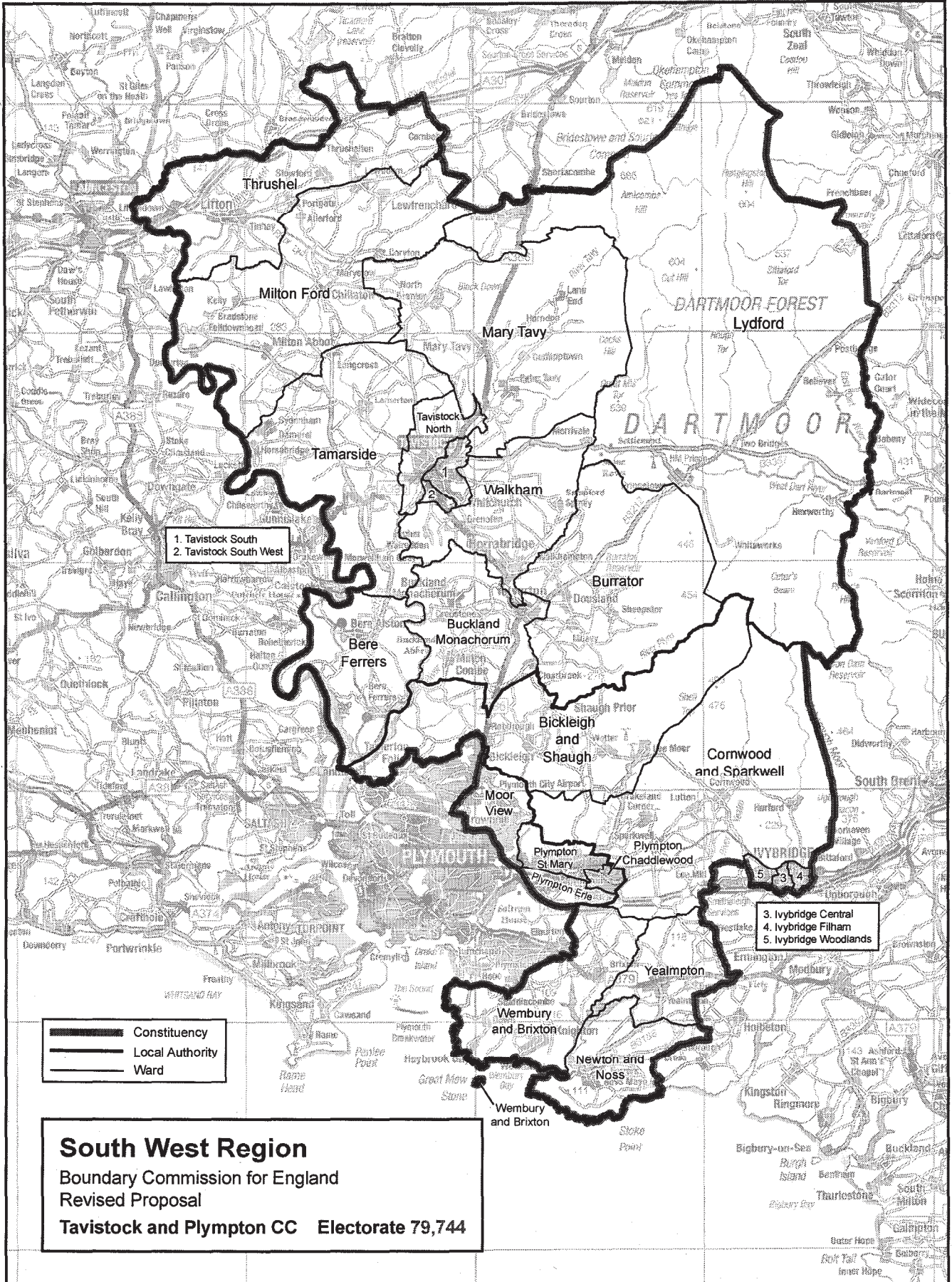
South West Region

Boundary Commission for England
Revised Proposal

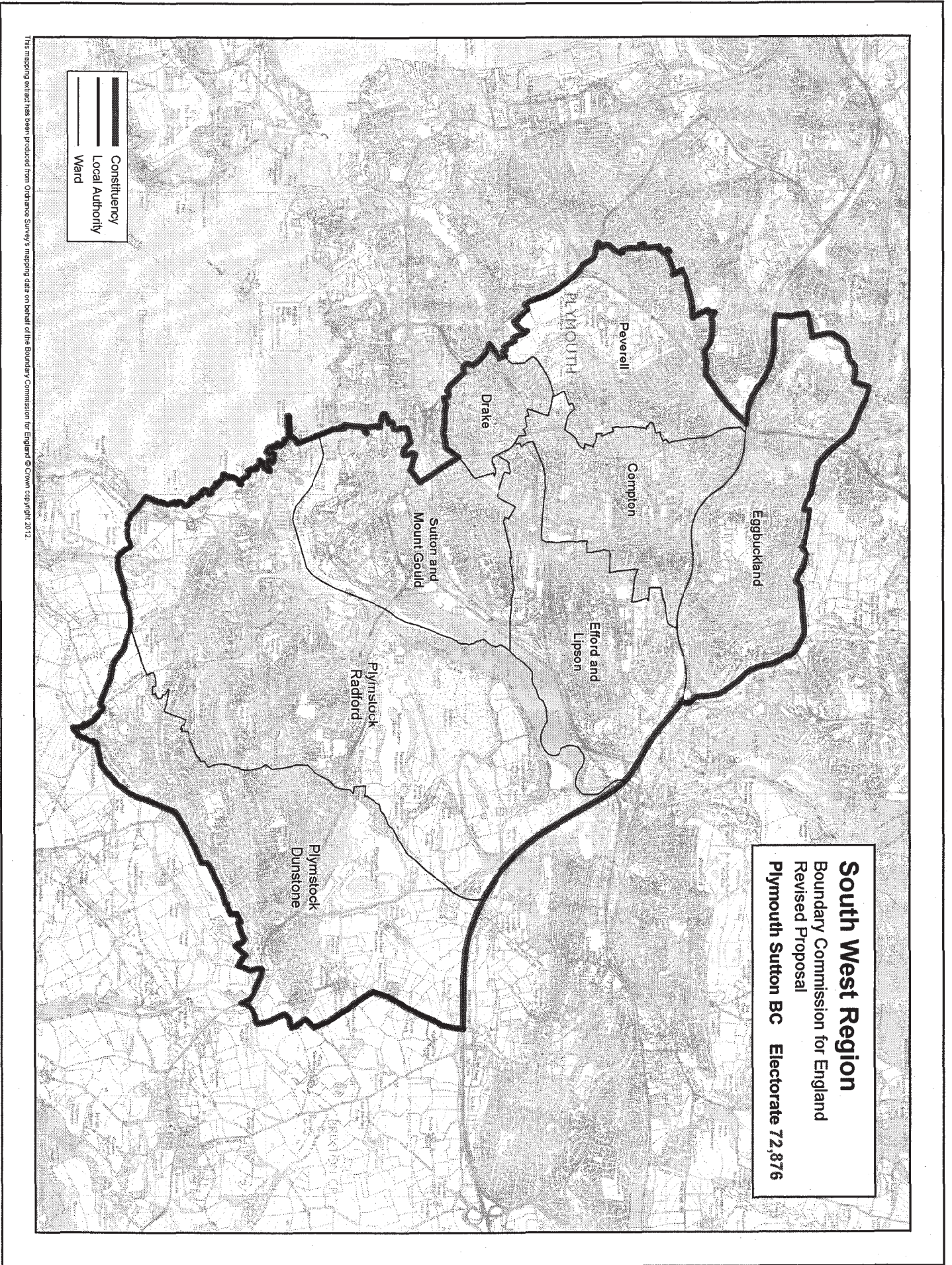
Plymouth Devonport BC Electorate 77,309



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