

**To: Leader and Members of the Executive Board  
(Councillors Humphreys, Bell, Chambers, N Dirveiks, Farrell, Hayfield, Phillips, Reilly, Simpson and D Wright)**

**For the information of other Members of the Council**

**For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).**

**For enquiries about specific reports please contact the officer named in the reports.**

**The agenda and reports are available in large print and electronic accessible formats if requested.**

## **EXECUTIVE BOARD AGENDA**

**17 SEPTEMBER 2018**

The Executive Board will meet in the Committee Room at the Council House, South Street, Atherstone, Warwickshire on Monday 17 September 2018 at 6.30pm

### **AGENDA**

- 1 Evacuation Procedure**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meeting of the Board held on 25 July 2018** - copy herewith to be agreed as a correct record and signed by the Chairman.

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am 2 working days prior to the meeting. Participants are restricted to five minutes each. If you wish to put a question to the meeting please contact David Harris on 01827 719222 or email [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk).

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

- 6 **Financial Strategy 2018-2023** - Report of the Corporate Director - Resources

### **Summary**

This report summarises the Authority's Financial Strategy, projects forward the Authority's General Fund budgets to 2022/23, and suggests a detailed budget approach for the 2019/20 General Fund Budget.

The Contact Officer for this report is Sue Garner (719374)

- 7 **Supplementary Estimate – Heritage Activity Update** - Report of the Director of Leisure and Community Development

### **Summary**

The Board is asked to agree a supplementary estimate of £25,000, to support heritage activity in the Borough, as detailed in the appendix to this report.

The Contact Officer for this report is Simon Powell (719352)

- 8 **Budgetary Control Report 2018/19 - Period Ended 31 August 2018** - Report of the Corporate Director - Resources

### **Summary**

The report covers revenue expenditure and income for the period from 1 April 2018 to 31 August 2018. The 2018/2019 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

The Contact Officer for this report is Nigel Lane (719371)

- 9 **Local Government Ombudsman Annual Review 2017/18** – Report of the Chief Executive

**Summary**

This report informs the Board about the results of the Local Government and Social Care Ombudsman Annual Review 2017/18. The report highlights the number of complaints and enquiries considered by the Ombudsman relating to the Council and the outcome of their determinations. The report also provides some contextual information about the compliments and complaints received via the Council's corporate Compliments and Complaints Procedure.

The Contact Officer for this report is Robert Beggs (719238).

- 10 **Landscape Works to Prevent Unauthorised Access to Arley and Mancetter Recreation Grounds** – Report of the Director of Leisure and Community Development

**Summary**

Further to recent unwanted incursions, this report informs the Board of proposed measures to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds.

The Contact Officer for this report is Katherine Webster (719492)

- 11 **Polesworth Sports Centre Dual-use Agreement** – Report of the Director of Leisure and Community Development

**Summary**

This report updates the Board on Officers discussions with representatives of Polesworth School, further to the instruction of Full Council to seek to secure a short-term extension of the current dual-use agreement on improved financial terms for the Borough Council.

The Contact Officer for this report is Simon Powell (719352)

- 12 **Board Membership** - Report of the Corporate Director - Environment

**Summary**

The purpose of this report is to seek authorisation for any possible amendments to representation on Boards resulting from changes in party membership.

The Contact Officer for this report is Steve Maxey (719438)

- 13 **Gambling Act 2005 – Review of Gambling Licensing Statement Of Principles 2019 – 2022** - Report of the Corporate Director - Environment

**Summary**

The report asks Members to consider giving final approval to the draft Statement of Principles made under the Gambling Act 2005.

The Contact Officer for this report is Stephen Whiles (719326)

- 14 **Progress Report on Achievement of Corporate Plan and Performance Indicator Targets – April to June 2018** – Report of the Chief Executive

**Summary**

This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to June 2018.

The Contact Officer for this report is Robert Beggs (719238).

- 15 **Minutes of the meeting of the Safer Communities Sub-Committee held on 17 July 2018** copy herewith to be received and noted.

- 16 **Minutes of the meeting of the Special Sub-Group held on 11 September 2018 (to be circulated)** to be received and noted.

JERRY HUTCHINSON  
Chief Executive

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
EXECUTIVE BOARD**

**25 July 2018**

Present: Councillor Humphreys in the Chair

Councillors Bell, Chambers, Hayfield, Lewis, Phillips, Reilly, Simpson and D Wright

Apologies for absence were received from Councillor Farrell (substitute Councillor Lewis) and Councillor N Dirveiks

**19 Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

**20 Minutes of the meeting of the Board held on 18 June 2018**

The minutes of the meeting of the Board held on 18 June 2018, copies having been circulated, were approved as a correct record and signed by the Chairman.

**21 External Auditors Report**

The Corporate Director – Resources presented the External Auditors' report to those charged with governance.

**Recommended:**

**That the contents of the External Auditors' report be noted.**

**22 Progress Report on Achievement of the Forward Planning and Ombudsman Performance Indicator Targets April 2017 – March 2018**

The Chief Executive informed Members of the progress with the achievement of the Forward Planning and Ombudsman complaints Performance Indicator targets relevant to the Executive Board for April 2017 to March 2018.

**Recommended:**

**That the report be noted and further information be provided to the relevant Board in due course.**

**23 Area Priority Setting**

The Corporate Director - Environment updated Members on developments to provide alternative arrangements for local areas to set priorities following Area Forums being discontinued.

**Recommended:**

- a That the report be deferred and more detail be provided to the Area Forum Task and Finish Group; and**
- b That further reports be brought this Board.**

David Humphreys  
Chairman

## **Agenda Item No 6**

### **Executive Board**

**17 September 2018**

## **Report of the Corporate Director - Resources**

## **Financial Strategy 2018 - 2023**

### **1 Summary**

- 1.1 This report summarises the Authority's Financial Strategy, projects forward the Authority's General Fund budgets to 2022/23, and suggests a detailed budget approach for the 2019/20 General Fund Budget.

#### **Recommendation to Council**

- a That the Financial Strategy shown as Appendix A is approved;**
- b That the General Fund budget projections for 2019/20 to 2022/23 be noted; and**
- c That the budget approach, set out in section 8 of this report, be adopted.**

### **2 Introduction**

- 2.1 The Council has adopted a clear financial strategy over a number of years, and this is attached as Appendix A to this report. There have been some major changes to the financial environment nationally in recent years, with the local retention of business rates, major reductions in Revenue Support Grant and the introduction of a local Council Tax Support scheme in place of a national Council Tax Benefit scheme. The strategy reflects the current financial pressures facing the Council.

- 2.2 A forecast of the General Fund Revenue Estimates has been completed for 2019/20 and the following three years, and is set out within the report. The figures are intended to indicate the position in broad terms only. More accurate ones will be produced during the forthcoming estimate process. Updated forecasts for Capital and the Housing Revenue Account will be reported separately, at a later date.

### **3 Review of 2018/19**

- 3.1 In order to update the strategy, a couple of areas of income have been revisited. The 2018/19 original budget has been adjusted for the following changes:

	<b>£000</b>
Decrease in planning income	100
Increase in investment income	-65
<b>Total</b>	<b>35</b>

3.2 The anticipated amount to be taken from balances is expected to increase to £204,440, leaving an anticipated opening General Fund balance of £3,342,000 at 1 April 2019. This has been used as the revised starting point for the updated forecast.

#### 4 **Budget Projections 2019/20 to 2022/23**

4.1 The 2019/20, 2020/21 and 2021/22 years have been reviewed and a further year, 2022/23, has been forecast. In completing the forecast, a number of detailed assumptions have been made, which are set out in Appendix A.

4.2 Pay awards of 2% have been included for each year, in line with the latest settlement. In addition an allowance has been included within the contingency to cover the additional costs expected from April 2019, following the revision to the national pay scale.

4.3 Premise and supplies and services costs have only been given an increase in alternate years in this strategy, in order to encourage efficiencies in procurement. These areas will be revisited in the more detailed work carried out as part of the budget process.

4.4 Growth has also been included in 2020/21 and 2021/22 for additional refuse and recycling costs, as the current service will have insufficient capacity to accommodate all of the anticipated new properties in the Borough.

4.5 The forecast has been summarised and is shown in the table below.

	<b>2018/19 Revised £000</b>	<b>2019/20 £000</b>	<b>2020/21 £000</b>	<b>2021/22 £000</b>	<b>2022/23 £000</b>
Spending Requirement	8,240	8,599	8,975	9,495	9,940

#### 5 **Sources of Funding**

##### 5.1 **Settlement Funding Assessment / Core Spending Power**

5.1.1 The Settlement Funding Assessment is made up of two elements: Revenue Support Grant and Business Rates. The 2016/17 Local Government Finance Settlement set out the figures for 2016/17, together with indicative figures for the following three years. Business rates baselines and assumed Council Tax income were used to arrive at the level of RSG for each authority. In future years where an authority's entitlement to RSG is zero, increases to business rates tariffs are made in order to reduce the amount of income retained by an authority. Individual allocations always remain within the national control total.

- 5.1.2 The government includes the Settlement Funding Assessment in calculating an authority's Core Spending Power. Figures provided for North Warwickshire were:

	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
NDR Baseline Funding	1.760	1.790	1.850	1.910
Tariff Adjustment	-	-	-	(0.110)
Revenue Support Grant	0.900	0.460	0.190	-
<b>Sub-total - SFA</b>	<b>2.660</b>	<b>2.250</b>	<b>2.040</b>	<b>1.800</b>
Council Tax	4.200	4.300	4.500	4.600
New Homes Bonus	1.000	1.000	0.600	0.600
<b>Total</b>	<b>7.860</b>	<b>7.550</b>	<b>7.140</b>	<b>7.000</b>

In calculating the Council's core spending power, the government assumed a £5 increase in Council Tax each year.

- 5.1.3 Indicative figures are not yet available for 2020/21 onwards, so the 2019/20 level of SFA has been assumed for 2020/21, 2021/22 and 2022/23.

## 5.2 Business Rates

- 5.2.1 For 2019/20 the baseline funding assumed by the government will increase to £1.889 million (an inflationary increase of 2.3%). This assumes that North Warwickshire's share of business rates is £16.974 million, with a tariff payment of £15.085 million required. However when the tariff adjustment is taken into account, baseline funding reduces to £1.780 million.

- 5.2.3 Business rates of £700,000 above the baseline have been included in 2018/19 and 2019/20, with £500,000 above baseline in 2020/21, 2021/22 and 2022/23. A national re-set of business rates will be implemented in 2020/21, but the £500,000 has been left in the budget for all three years, as it has been anticipated that it can be met from the Volatility Reserve.

## 5.3 New Homes Bonus

- 5.3.1 The New Homes Bonus figures included in the forecast are unchanged from those estimated in February. The figures used 2018/19 as a base for projecting grant income for the rest of the strategy period and for subsequent years assumed that 300 additional new homes will be added each year, with no change in the methodology used for distribution of the grant.

- 5.3.2 A current consultation document suggests that there will be changes in the methodology to be used in future years, but does not provide any specific information on what the changes may be. A further risk is around the completion of new homes, as only 183 completions were achieved in 2017/18.

## 5.4 Council Tax

- 5.4.1 In looking at the potential income from Council Tax, the likelihood of growth in the tax base is considered. The potential new build included in the Core Strategy for the Borough has been reviewed and it has been assumed that a

proportion will be achieved. A growth rate of 1.5% in the tax base has been used in projecting the income from Council Tax.

5.4.2 Since 2016/17 the government has assumed an inflationary increase when taking resource allocation decisions and calculating each authority's ability to spend. Going forward therefore, a 2.99% increase has been used in 2019/20 for Council Tax, in line with the technical consultation, with a further £5 increase in Council Tax assumed for following years.

5.4.3 Previous decisions to freeze Council Tax have an on going and cumulative effect on the Council's financial position, and the impact of the decisions to freeze Council Tax in each year since 2011/12 has been calculated to the end of the current strategy period. This is detailed in Appendix B and shows that by March 2023, the Council Tax lost would amount to £7.017 million. Although grant funding was received in some years it was limited to £1.523 million. The net funding foregone by the end of the strategy period will be in the region of £5.494 million. The annual income loss from 2019/20 onwards amounts to £752,770 per annum.

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## 5.5 Expected Resources

5.5.1 Expected Resources from the sources covered above are set out in the table below:

	<b>2018/19 Revised £000</b>	<b>2019/20 £000</b>	<b>2020/21 £000</b>	<b>2021/22 £000</b>	<b>2022/23 £000</b>
Council Tax	(4,261)	(4,455)	(4,627)	(4,804)	(4,985)
New Homes Bonus	(902)	(920)	(870)	(890)	(890)
RSG	(192)	-	-	-	-
Business Rates	(1,846)	(1,780)	(1,780)	(1,780)	(1,780)
Business Rates - Additional	(700)	(700)	(500)	(500)	(500)
Transition Grant	-	-	-	-	-
Collection Fund Surplus	(135)	(90)	(85)	(90)	(94)
<b>Total</b>	<b>(8,036)</b>	<b>(7,945)</b>	<b>(7,862)</b>	<b>(8,064)</b>	<b>(8,249)</b>

5.5.2 Even with Council Tax increases in line with government assumptions, overall resources are only expected to increase by £213,000 over the life of the strategy (see table above), due to loss of Revenue Support Grant and uncertainties around business rates income and new homes bonus. This is significantly less than the expected increase in spending requirement of £1.7 million over the same period (see paragraph 4.5).

5.5.3 This level of income would require the use of balances set out in the table below. As this level of use is unsustainable, a savings plan is required, and this is shown in the table. Savings will need to be found in line with the plan to ensure there are sufficient balances at the end of 2022/23.

	<b>2018/19 Revised £000</b>	<b>2019/20 £000</b>	<b>2020/21 £000</b>	<b>2021/22 £000</b>	<b>2022/23 £000</b>
<b>Use of Balances</b>	<b>204</b>	<b>654</b>	<b>1,113</b>	<b>1,431</b>	<b>1,691</b>
Savings 2019/20		(200)	(200)	(200)	(200)
Savings 2020/21			(450)	(450)	(450)
Savings 2021/22				(300)	(300)
Savings 2022/23					(300)
<b>Revised Use of Balances</b>	<b>204</b>	<b>454</b>	<b>463</b>	<b>481</b>	<b>441</b>

<b>Balances C/fwd</b>	<b>3,342</b>	<b>2,888</b>	<b>2,425</b>	<b>1,944</b>	<b>1,503</b>
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## 6 Savings

- 6.1 In order to manage the very limited increase expected in resources, a further saving of £300,000 has been included in 2022/23. When added to the savings of £950,000 included for the period 2018/19 to 2021/22, this gives a revised savings total of £1.25 million over the life of the strategy, which equates to around 3.5% of the net budget per annum.
- 6.2 The authority has already made significant reductions in its budget over recent years, taking out £4.37 million since 2011/12. Increased efficiency, streamlining the provision of services and some income generation has enabled the impact on front line services to be minimised. Taking out a further £1.25 million will be extremely challenging, and will undoubtedly impact on the range and level of services that the Council is able to offer. Work is already in hand for identifying options for reducing net expenditure for both 2019/20 and subsequent years.
- 6.3 A decision to freeze Council Tax in 2019/20 would reduce resources by £129,000 in the year and in every year thereafter. This would amount to £529,050 over the current strategy period. The impact of this would be an increase in the savings that the Council would have to make to £329,000 in 2019/20, giving a revised total of £1.379 million. This would exacerbate the impact on the provision of services mentioned above.
- 6.4 In the event that no increases in Council Tax are approved during the strategy period, balances at the end of the period would fall from £1.503 million to £0.327 million, as shown below.

	<b>2019/20 £000</b>	<b>2020/21 £000</b>	<b>2021/22 £000</b>	<b>2022/23 £000</b>
Use of Balances	454	463	481	441
Loss of Council Tax	129	237	348	462
<b>Revised Use of Balances</b>	<b>583</b>	<b>700</b>	<b>829</b>	<b>903</b>
<b>Balances C/fwd</b>	<b>2,759</b>	<b>2,059</b>	<b>1,230</b>	<b>327</b>

Savings in each of the four years would need to increase by around £130,000 to keep balances at around the £1.5 million level. This would increase the savings required to £1.77 million.

6.5 Keeping to the strategy is dependent on savings being achieved to target in each of the years covered. The current forecast also indicates that further savings will be required in 2022/23 and beyond, as expenditure continues to be partly funded through the use of balances each year. The difficulty in finding savings has become greater over time, and this will only increase in the future.

## 7 Potential Risk Areas

7.1 In preparing this forecast, a number of assumptions have been made and these have been set out in sections 4 and 5 of this report. Clearly, should these assumptions not materialise, there will be an impact on the figures. The main risk areas for this forecast are:

- **Settlement Funding Assessments** – no indicative figures have been provided for 2020/21, 2021/22 and 2022/23. If resources in those years vary in any significant way from resources in 2019/20, then there will be an impact on the current forecast.
- **Business Rates** – the local retention of business rates brought uncertainty around the level of funding to be received on an annual basis. Successful rating appeals are an ongoing risk, with HS2 only adding to the uncertainty and potential impact on the Council's income.
- **New Homes Bonus** – The strategy assumes 300 new properties per annum and no change to the current methodology of distribution. Achievement of fewer new homes or a change in the distribution methodology, could lead to grant being scaled back reducing the funding available to authorities.
- **Investment Income** – although interest rates have been predicted using professional advice, financial markets can vary significantly over time.
- **Salary Increases** – union pressure will be for a higher pay award to address the erosion of real pay. Higher pay awards than included in the forecast would have an impact, given the relative size of the payroll.
- **Council Tax Support** – increases in take up will directly increase the costs of the Council. There are also risks around the non collection of Council Tax, from those who have not previously been required to contribute.
- **Reduced Income** – a loss of service income is always a possibility in the current economic position.
- **Growth in the Borough** – if new homes and estates are delivered in line with expectations, there will be a significant impact on some Council services. Some funding has been included in the forecast for refuse and recycling, but the impact on services such as grounds maintenance has not yet been considered.
- **Council Tax Income** – a decision to freeze Council Tax will reduce the resources available to the Council on a permanent basis.

- 7.2 The potential impact of an improved or worse position for all four years of the forecast are shown in Appendix C (savings of £1.25 million are included in each of the options). The increased use of balances / contribution to balances are summarised below:

Year	Worse Case £000	Most Likely Case £000	Best Case £000
2019/20	791	454	188
2020/21	1,094	463	78
2021/22	1,186	481	26
2022/23	1,221	441	(88)

Changes in a small number of areas can materially impact on the expected use of balances in all of the years covered. These could affect the level of savings required either favourably or adversely.

- 7.3 If the best case scenario occurred, the council would be able to reduce the savings currently included within the strategy from £1.25 million to £0.5 million and achieve the same level of balances at the end of 2022/23.
- 7.4 If the worst-case scenario occurred there would be an additional call on balances. As the balances at 1 April 2019 are expected to be £3,342,000, the Council could manage the worst case into 2021/22 if needed. However further savings of £1.2 million would be needed in 2021/22, to ensure that balances were at an acceptable level at the end of 2022/23. Finding the additional savings earlier would certainly delay the need to find further savings and could mean a reduction in the total savings required during the life of the strategy.

## 8 Budget Approach 2019/20

- 8.1 As mentioned earlier, a number of areas have already been identified as potential savings, and these are in the process of being reviewed. Any delay in finding savings will put pressure on the financial viability of the Council.
- 8.2 A firm stance should be taken in order to limit the level of growth approved in 2019/20, as any further expenditure will increase the need to draw from balances. Only growth that cannot be statutorily avoided, makes a significant contribution to moving forward the Council's priorities, or would expose the Council to an unacceptable level of risk should the expenditure not be incurred, should be approved. A prioritisation exercise on growth based around these three main criteria should be used.

## 9 Conclusion

- 9.1 The Council could be faced with savings ranging from £0.5 million to £2.45 million. The updated strategy includes a savings requirement of £1.25 million over the next four years. Given the savings already made over recent years,

the Council will not be able to achieve the future savings required without impacting on current service provision.

- 9.2 It is unlikely that all of the main risk areas will materialise at the same time, in any of the years highlighted above. The main areas of concern included in the risks around the financial position of the Council, are that of Council Tax, Settlement Funding Assessment, Business Rates and New Homes Bonus.

## 10 Report Implications

### 10.1 Finance and Value for Money Implications

10.1.1 As detailed in the body of the report.

### 10.2 Environment and Sustainability Implications

10.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources, without disruption of essential services.

### 10.3 Equality Implications

10.3.1 Any proposed changes or reductions in services will be subject to equality impact assessments to identify if there is any scope for adverse impacts.

The Contact Officer for this report is Sue Garner (719374).

## Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**MEDIUM TERM FINANCIAL STRATEGY      2019/20 – 2022/23****1 Introduction**

- 1.1 The purpose of the Financial Strategy is to set out the broad financial framework that the Council will operate within, during the next four financial years. A four-year period has been used, as this permits reasonably robust financial forecasts to be produced. A longer period would require more speculative forecasts. However changes to the external funding regime have increased the uncertainty over the resources available to the Council during the strategy period.
- 1.2 By using a medium term approach, the Council can ensure that financial and service decisions can be taken in a structured and proportionate way. Short-term policies are not adopted without identifying what the medium term implications of those decisions are.
- 1.3 The strategy covers all revenue and capital activity, although some individual sections may be specific to a particular type of spending only. Areas covered are:
- **General Fund Activities** – these are the majority of the day to day activities carried out by the Council, such as refuse collection and the payment of benefits
  - **Housing Revenue Account Activities** – these relate to the management and maintenance of the Council's housing portfolio
  - **Capital Spending** – this is spending that provides benefits over a period of 12 months, such as the purchase of vehicles or equipment

**2 Linking Resources With Corporate Priorities**

- 2.1 The Council has identified a number of priorities and these are given in its Corporate Plan. In arriving at the priorities, external influences are taken into account, including the aims of the Local Strategic Partnership (LSP). Other factors such as legislative changes and reward incentives are also considered.
- 2.2 The Corporate Plan and associated Financial Strategy are reviewed and updated on an annual basis, before the start of each new financial year. A further review of the Financial Strategy is also carried out part way through the year, to ensure that changing circumstances are taken into account in carrying out the full review.
- 2.3 As in previous years, the approach is to use the current financial year as a base position, inflate this to the price base of the budget year, and add known unavoidable spending pressures. This is then measured against the projection of available funding to determine affordability. The package of measures required to balance the two form the financial strategy for the budget year.

## 3 Economic Forecast

3.1 Both general inflation and specific areas of increase affect the spending of the Council. There are two main indices for measuring household inflation: the Consumer Price Index (CPI) and the Retail Price Index (RPI). The Council reviews these indices when it is assessing the level of inflation to be included in its financial strategy. However the Council may choose to use a lower general rate in some areas, where it wishes to encourage efficiencies.

3.2 Specific areas of increase are considered separately and individual rates of increase used to reflect prevailing market conditions, where they are significantly different to the general rate of inflation. These are assessed on an annual basis and depending on economic conditions, may include:

- Employee costs – pay awards and pension costs;
- fuel and energy costs;
- investment rates.

3.3 The assumptions used in the latest forecasts are given below:

<b>Cost / Income Type</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Pay awards	2%	2%	2%	2%
Superannuation rates	20%	20%	20%	20%
Agency staff	2%	2%	2%	2%
Business Rates	2%	2%	2%	2%
Utilities	3%	2%	2%	2%
Other premise costs	3%	0%	2%	0%
Supplies and services	3%	0%	2%	0%
Rent Allowances	3%	2%	2%	2%
Rent Rebates	-1%	3%	3%	3%
Housing Benefit Administration Grant	-10%	-10%	-10%	-10%
Reduction in RSG/NDR	-13%	0%	0%	0%
Council Tax	2.99%	£5	£5	£5
Income	2%	2%	2%	2%

## 4 Demographic Factors

4.1 Demographic factors can affect the Council's planning in a number of ways:

- Changes in the number and value of households can affect the tax base used in calculating Council Tax
- The characteristics of the population, and households, influences the type of services provided
- The level of demand for services can be affected by changes in either of the above.

4.2 The population of the Borough currently stands at 62,800 and has been subject to little change over recent years. The Financial Strategy has assumed only limited impact as a result of changes, around the collection of domestic refuse and recycling.

- 4.3 The Council Tax Base has remained fairly consistent over a number of years, with only small increases. Following a review of the potential new build in the area identified in the Core Strategy, the Financial Strategy has assumed an increase of 1.5% in the tax base on an annual basis, although there will be some movement depending on the Council Tax Support scheme adopted.

## **5 General Fund Activities**

### **5.1 Settlement Funding Assessment**

- 5.1.1 The government decides on the level of funding to be allocated to local authorities for their General Fund activities, and then allocates this funding between authorities using a formula calculation called the Settlement Funding Assessment.
- 5.1.2 The Settlement Funding Assessment is made up of two elements: Revenue Support Grant and Business Rates. As the Business Rates element is fixed, other than for inflationary increases, any reduction in the Settlement Funding Assessment is taken out of Revenue Support Grant.
- 5.1.3 Indicative figures have been received for 2019/20, and include a 'negative' allocation for Revenue Support Grant, which requires an adjustment to the business rates element. Figures are not yet available for 2020/21 onwards, so our latest projection has assumed the same assessment as that for 2019/20. A Fair Funding Review is currently in progress, so the position going forward may change.

### **5.2 Business Rates**

- 5.2.1 From April 2013, local authorities retain a proportion of the business rates they collect. The Secretary of State announced a baseline funding level of £1.889 million for North Warwickshire for 2019/20, although this will be reduced by negative RSG of £109,000 to £1.780 million. As we are required to pay a business rate tariff of £15.194 million in 2018/19, we need our local share of business rates to come to £16.974 million, in order to achieve this level of funding.
- 5.2.2 Business rates, including the tariff payable, will be increased by inflation each year. If the business rates in our area fall due to business closures or rating appeals, we may not achieve our baseline funding level. This would impact on our financial forecasts, reducing the level of balances we hold. The operation of a national safety net system would provide provision when the Authority's baseline funding fell by 7.5%. If additional business rates are collected, they are allocated 50% to the government, 10% to Warwickshire County Council, and 40% to this Council. We are required to pay a levy of 50% on the additional rates retained by this Council.
- 5.2.3 The Council chose to become a member of the Coventry and Warwickshire Business Rates Pool. This Local Pool agreed a safety net provision at a 5% loss of baseline funding, which would benefit the Council in the event that business rates fall. If business rates increase, the Pool will have a lower levy rate than the Council, of around 17%, allowing the Pool to keep more of the increase.

## **5.3 Council Tax Base**

- 5.3.1 The Council's tax base reduced significantly in 2013/14, following the introduction of a local Council Tax Support scheme, in place of the previous national Council Tax Benefit system. The scheme requires some residents to pay council tax, who previously had no liability. The Government offered councils a transitional grant in 2013/14, if they restricted the maximum payment by previous Council Tax Benefit claimants to 8.5% of their council tax bill. The Council opted to take the transitional grant and also revisited the collection rate, which was revised downwards to 98%.
- 5.3.2 The transitional grant was for 2013/14 only, so the Council needed to agree a Council Tax Support scheme for 2014/15 onwards. The decision was taken to retain the maximum payment required at 8.5% in 2014/15 although there was no grant to offset the cost to the Council. This decision has been revisited on an annual basis since then and has remained at 8.5%.
- 5.3.3 Although the Council usually exceeds its target collection rate, a small margin for non-collection allows some room for other variations during the year. Any additional funds are then distributed in the following year.

## **5.4 Council Tax**

- 5.4.1 The Council attempts to balance the need for retaining an affordable council tax, with the retention of services. This is increasingly difficult with current financial constraints, including the pressures of government funding levels, limited income raising opportunities, economic pressures and rising expectations. Council policy is to keep council tax rises at, or below, inflation.
- 5.4.2 Recent decisions to freeze council tax have had an on going and cumulative effect on the Council's financial position. Grant funding received towards tax freezes have generally been time limited, whereas the tax base is reduced permanently. The current forecast has assumed a council tax increase of 2.99% in 2019/20 and £5 per annum in the following three years.
- 5.4.3 The government have brought in a requirement for proposed increases above the maximum increase of 2.99% to be subject to a local referendum.

## **5.5 Fees and Charges**

- 5.5.1 The Council has tended to increase fees and charges for inflation, on an annual basis. Any other changes have tended to be on an ad hoc basis. Demand for some services has changed as a result of changes in the economic situation. This will be taken into consideration in the review of fees and charges during the detailed work in the 2019/20 budget.
- 5.5.2 The Council introduced charging for the Borough Care service from November 2016, with a phased introduction for existing customers, who moved to the full charge in April 2018. The ability to generate income from other areas continues to be reviewed as part of the ongoing savings exercise.

## 5.6 Growth Areas

5.6.1 Given the Council's existing financial constraints, a strong approach is taken with growth areas. In general terms, growth will be allowed if one of the following conditions is met:

- **Statutory Need.** Where the Council needs to spend resources in order to comply with statutory requirements
- **Invest to Save.** Where services can demonstrate that an initial outlay will generate additional income or reduced costs in the future, an advance from an earmarked reserve held for this purpose will be made.
- **External Funding.** Services are encouraged to look for external funding to support service development and enhancement. However the impact of ongoing costs against potential one off funding is always considered.
- **Efficiencies.** The Council looks for efficiencies in service provision, to contribute to savings targets, or reallocate resources to other priorities.

5.6.2 The Council may use financial savings identified to fund general growth areas, where these are not needed to maintain balances. Growth bids are assessed according to their contribution to Council priorities, the ability to obtain external funding and their contribution to the management of risk.

## 5.7 Approach to Savings

5.7.1 The Authority includes the requirement to find savings in its financial strategy. However whilst unidentified savings are built into financial projections over the medium term, only identified savings are included in the detailed budget put forward for approval for the coming financial year. This is part of the management of financial risks, and gives greater assurance around the approved budget, and the medium term position.

5.7.2 As the council looks for specific savings in advance of setting the budget for the following year, work on finding savings for 2019/20 will be carried out in 2018 during the production of that budget. Only those found will be included. Where possible the savings will be brought in earlier, during 2018/19, as this will give a beneficial impact on balances. The savings target for 2019/20 is £200,000. If the savings target is not found, this will be reflected in the financial strategy for future years.

5.7.3 Any proposed changes or reductions in services will be subject to equality impact assessments to identify if there is any scope for adverse impacts.

## 5.8 General Fund Balances

5.8.1 One of the Council's aims is to have a balanced budget. However this does not require a balanced budget in each financial year, the aim is to ensure that services are adequately funded over the medium term.

5.8.2 The current policy for general balances is to retain minimum working balances of £1.4 million on the General Fund. The risk assessments, which support these requirements, are updated on an annual basis as part of the budget process. This allows detailed consideration of changing economic conditions and other potential high risks.

## **5.9 Budget Process**

- 5.9.1 The budget process operates throughout the year, with the budget strategy updated twice per year. The financial forecast produced in September provides the context for the more detailed four year budget approved in February, as part of the Council Tax Setting process.
- 5.9.2 In the event of potentially significant changes to the Council's financial position, the Corporate Director - Resources will assess whether additional updates of the financial strategy are needed.

## **5.10 Budget Consultation**

- 5.10.1 The Council consults on how it spends its resources on an annual basis. A meeting with business ratepayers is held every year, whilst other ad hoc consultation is carried out as required.

## **6 Housing Revenue Account**

### **6.1 General Balances on the Housing Revenue Account**

- 6.1.1 The Council aims to have a balanced budget on the Housing Revenue Account. Again this does not require a balanced budget in each financial year, the aim is to ensure that services are adequately funded over the medium term.
- 6.1.2 The current policy for general balances is to retain minimum working balances of £750,000 on the Housing Revenue Account. The risk assessment, which supports this requirement, is updated annually as part of the budget process. This allows detailed consideration of changing economic conditions and other potential high risks. Given the greater risks that will be faced by the council as a result of welfare reform, an increased requirement to hold general balances is expected.

### **6.2 Housing Business Plan**

- 6.2.1 To ensure the continued management and maintenance of North Warwickshire's housing stock, both Members and officers need to take decisions on a long term basis. For example, we need to build up surpluses to fund the capital expenditure needed later in the Business Plan. The impact of decisions taken is fundamental to the sustainability of the Business Plan.
- 6.2.2 The Business Plan currently assumes that the authority continues to increase rents in line with government policy. This includes the impact of national rent policy which requires a 1% reduction in rents in 2019/20 (and the preceding three years). Rent increases then revert to CPI + 1% per annum.
- 6.2.3 Further detail around the management and maintenance of the Council's housing stock is given in the Housing Business Plan.

## **7 Capital Programme**

### **7.1 Capital Funding**

- 7.1.1 The Council projects its expected resources over both a three and ten-year period. These include receipts from the sale of council assets, revenue funding used to support capital expenditure and anticipated contributions from third parties. Funding from the government is also considered. Specific grant is received towards the cost of Disabled Facility Grants.
- 7.1.2 Given its restricted resources, the council prioritises capital schemes, to enable it to carry out all essential spending.
- 7.1.3 There are still some funding issues which need to be addressed in the longer term, and other funding options will be considered in future updates of the Capital Strategy. The Capital Strategy gives further detail on the allocation of capital funding.

### **7.2 Interaction between Revenue and Capital Spending**

- 7.2.1 Many capital schemes will impact on the revenue budget. This may be due to ongoing maintenance costs which are incurred following the acquisition of an asset, or may be related to the cost of repaying loans taken out to finance capital expenditure, or the loss of investment income if internal loans are used.
- 7.2.2 In assessing bids put forward for inclusion in the capital programme, the impact of capital spending on the revenue budget is examined.

## **8 Efficiency Agenda**

- 8.1 All councils are required to demonstrate Value for Money. The Council doesn't set targets for individual services, as it recognises that efficiency savings can take longer to generate in some services.
- 8.2 Officers look for efficiencies in order to assist in achieving the savings required as part of the financial strategy. In addition systems thinking reviews are carried out on individual services and procurement activity is monitored.

## **9 Treasury Management**

- 9.1 This is the management of the Local Authority's cash flows: its banking, money market and capital market transactions. The Council has adopted a Treasury Management and Annual Investment Strategy, which sets out a framework for its activity in these areas. The current Strategy aims to minimise risk by putting greater emphasis on security and liquidity. Once risk has been minimised, the Council will maximise performance wherever possible, within existing controls.
- 9.2 As highlighted in the Treasury Management Strategy, the Council has a borrowing requirement of £65.5 million. The HRA has external borrowing of £52 million, whilst the General Fund has internal borrowing of £13.5 million. Internally borrowed funds come from earmarked reserves held for future

revenue and capital spending. As these resources are used, there will be a need for further external borrowing.

- 9.3 The government have imposed a cap on an authority's total housing borrowing. The Council is currently below its cap.
- 9.4 The Council has internal funds in excess of those needed to cover the internal loans. These are invested on the money market and generate investment income for both the General Fund and the Housing Revenue Account. The cash fund portfolio is managed internally, with advice from Link Treasury Services, the Council's treasury management consultants.

### **10 Earmarked Reserves**

- 10.1 The Council holds a number of reserves that have been earmarked for specific revenue and capital purposes. Earmarked reserves are used to hold:
- Funding received in advance for specific initiatives;
  - Funding set aside for specific services, where the timing of demand can vary;
  - Funding set aside for the future replacement of assets or other capital expenditure;
  - Funding held to enable the Council to manage specific risks; and
  - Funding where work has been delayed.
- 10.2 For the majority of earmarked reserves, there is little or no risk to the financial standing of the Council. Reserves set up to manage timing differences or hold funding received in advance match expenditure to the income available. Reserves held to allow risks to the base budget to be managed are estimated using the best available information.

### **11 Risk Management**

- 11.1 The Council has a Risk Management strategy in place which it uses to manage all of its risks, including financial risks.
- 11.2 A system of risk management has been established, which is operated by all services. This ensures that if there are significant changes in the level of risk to the Council from new legislation, or policy changes, they are considered and reported to Board. Any significant increase in financial risks will therefore be addressed during the year, if this is necessary.
- 11.3 In addition, the financial risks of individual services are considered during the budget preparation process by Service Boards, along with the related budgets. Annual risk assessments are undertaken on the level of balances for the General Fund and the Housing Revenue Account and considered at the same time as the budgets. This ensures that all current issues are included.
- 11.4 To assist with highlighting the impact of the potential risks, the major risks are assessed on differing risk levels, and these are included in reports to Board.

**IMPACT OF COUNCIL TAX FREEZES IN 2011/12, 2012/13, 2013/14, 2014/15, 2015/16, 2016/17, 2017/18 and 2018/19**

**APPENDIX B**

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Total
Grant Income - 2011/12 CT freeze	-111,746	-96,437	-87,372	-74,965	-62,521	-51,017	-42,140	-37,589	-32,402	-32,402	-32,402	-32,402	-693,393
Grant Income - 2012/13 CT freeze		-112,220											-112,220
Grant Income - 2013/14 CT freeze			-44,650	-38,310	-31,950	-26,071	-21,535	-19,209	-16,558	-16,558	-16,558	-16,558	-247,959
Grant Income - 2014/15 CT freeze				-44,850	-37,405	-30,522	-25,212	-22,489	-19,385	-19,385	-19,385	-19,385	-238,018
Grant Income - 2015/16 CT freeze					-44,850	-36,598	-30,230	-26,965	-23,244	-23,244	-23,244	-23,244	-231,617
<b>Grant Income</b>	<b>-111,746</b>	<b>-208,657</b>	<b>-132,022</b>	<b>-158,125</b>	<b>-176,726</b>	<b>-144,208</b>	<b>-119,116</b>	<b>-106,252</b>	<b>-91,589</b>	<b>-91,589</b>	<b>-91,589</b>	<b>-91,589</b>	<b>-1,523,207</b>
Loss of CT 2011/12	134,012	136,003	120,040	121,389	123,588	125,608	127,488	129,046	130,981	132,946	134,940	136,964	1,553,005
Loss of CT 2012/13		92,539	81,678	82,596	84,092	85,467	86,746	87,806	89,123	90,459	91,816	93,194	965,515
Loss of CT 2013/14			83,312	84,247	85,774	87,176	88,480	89,562	90,905	92,269	93,653	95,057	890,435
Loss of CT 2014/15				85,932	87,489	88,919	90,250	91,353	92,723	94,114	95,526	96,959	823,266
Loss of CT 2015/16					87,008	88,430	89,754	90,850	92,213	93,596	95,000	96,425	733,278
Loss of CT 2016/17						90,155	91,504	92,622	94,011	95,421	96,853	98,306	658,872
Loss of CT 2017/18							101,539	102,779	104,321	105,886	107,474	109,086	631,085
Loss of CT 2018/19								147,863	150,081	152,332	154,617	156,936	761,829
<b>CT Lost</b>	<b>134,012</b>	<b>228,542</b>	<b>285,030</b>	<b>374,164</b>	<b>467,952</b>	<b>565,755</b>	<b>675,760</b>	<b>831,880</b>	<b>844,358</b>	<b>857,024</b>	<b>869,879</b>	<b>882,927</b>	<b>7,017,283</b>
<b>Net Revenue Impact</b>	<b>22,266</b>	<b>19,885</b>	<b>153,008</b>	<b>216,039</b>	<b>291,226</b>	<b>421,546</b>	<b>556,644</b>	<b>725,629</b>	<b>752,769</b>	<b>765,435</b>	<b>778,290</b>	<b>791,338</b>	<b>5,494,077</b>

## APPENDIX C

### Potential Use of Balances

#### Best Case

	2018/19 Revised £000	2019/20 Estimate £000	2020/21 Estimate £000	2021/22 Estimate £000	2022/23 Estimate £000
<b>Estimated Use of Balance</b>	<b>204</b>	<b>454</b>	<b>463</b>	<b>481</b>	<b>441</b>
An increase in New Homes bonus		(44)	(89)	(134)	(180)
Increased tax base (new homes)		(22)	(46)	(71)	(99)
Increase in investment income		(90)	(90)	(90)	(90)
Sustained improvement in planning income		(50)	(50)	(50)	(50)
Improvement in other service income		(30)	(30)	(30)	(30)
Additional surplus in the Collection Fund			(50)	(50)	(50)
Additional staff vacancies		(30)	(30)	(30)	(30)
<b>Potential Use of / (Cont to) Balances</b>	<b>204</b>	<b>188</b>	<b>78</b>	<b>26</b>	<b>(88)</b>
<b>Balances at Year End</b>	<b>3,342</b>	<b>3,154</b>	<b>3,076</b>	<b>3,050</b>	<b>3,138</b>

#### Worst Case

	2018/19 Revised £000	2019/20 Estimate £000	2020/21 Estimate £000	2021/22 Estimate £000	2022/23 Estimate £000
<b>Estimated Use of Balance</b>	<b>204</b>	<b>454</b>	<b>463</b>	<b>481</b>	<b>441</b>
Business rate income at safety net			134	136	139
Reduction in New Homes Bonus funding		65	132	201	272
Additional 1% on the pay award in 2020/21			90	90	90
Additional recycling costs		50	50	50	50
Planning income is not sustained		100	100	100	100
Reduction in service income		30	30	30	30
Inflation is 1% higher than assumed		92	95	98	99
<b>Potential Use of / (Cont to) Balances</b>	<b>204</b>	<b>791</b>	<b>1,094</b>	<b>1,186</b>	<b>1,221</b>
<b>Balances at Year End</b>	<b>3,342</b>	<b>2,551</b>	<b>1,457</b>	<b>271</b>	<b>(950)</b>

**Agenda Item No 7**

**Executive Board**

**17 September 2018**

**Report of the Director of Leisure and  
Community Development**

**Supplementary Estimate – Heritage  
Activity Update**

**1 Summary**

- 1.1 The Board is asked to agree a supplementary estimate of £25,000, to support heritage activity in the Borough, as detailed in the appendix to this report.

**Recommendation to Council**

**That the supplementary estimate of £25,000, to support heritage activity in the Borough, be approved.**

**2 Introduction**

- 2.1 The attached report was recently considered and agreed by the Community and Environment Board and Members are asked to approve a supplementary estimate of £25,000, to support heritage activity in the Borough.

**3 Report Implications**

- 3.1 These are set out in the attached Appendix.

...

The Contact Officer for this report is Simon Powell (719352)

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

**Agenda Item No 9**

**Community and Environment  
Board**

**16 July 2018**

**Report of the  
Director of Leisure and  
Community Development**

**Heritage Activity Update**

**1 Summary**

- 1.1 This report informs the Board of a number of heritage-related activities that are currently being undertaken in partnership with external organisations.

**Recommendation to the Board**

- a That the Board notes and comments upon the outlined heritage activity being undertaken in partnership with external organisations; and**
- b That the Executive Board is requested to approve a supplementary estimate of £25,000 to support heritage projects.**

**2 Consultation**

- 2.1 Consultation has taken place with relevant Members and any comments received will be reported verbally at the meeting.

**3 Introduction**

- 3.1 Heritage is an important element of what makes North Warwickshire special. Indeed, the history of the area, and in particular that relating to the Romans and Henry Tudor, is considered to be of national significance by organisations that include English Heritage.
- 3.2 Much of the knowledge relating to the history of the Borough, however, is retained by a relatively small number of local enthusiasts, and there is an acknowledged lack of awareness within and beyond the local community about the importance of North Warwickshire's heritage.

3.3 On 23 May 2018, a meeting was held that sought to bring together those individuals and organisations working in the heritage sector to share information and provide a more co-ordinated approach to future related activity. Organised by the Borough Council, representatives from Atherstone Civic Society, Friends of Atherstone Heritage, the Heritage Atherstone Team (HAT), Warwickshire County Council and other interested parties were invited to attend the meeting, a second gathering of which is planned for September 2018. At the meeting, a number of the following projects were discussed:

**4 Roman Mancetter**

4.1 For many years, volunteers working within the heritage sector in Atherstone and Mancetter have held a desire to create a physical site through which to raise awareness and educate people about the area's rich history. In 2016, Friends of Atherstone Heritage and Northern Warwickshire Tourism Association commissioned a consultant from Roundberry Projects to undertake a feasibility study looking at the potential of establishing a '...visitor attraction in or around the Mancetter / Atherstone area interpreting its international Roman and Tudor connections...'

4.2 The feasibility study explored the historic context of the area, including Mancetter's link with the Romans and its probable location of Boudica's last battle, as well as Henry Tudor and his association with Atherstone and Merevale. The study drew comparisons with similar heritage-themed attractions operating in the area, including Bosworth Battlefield, Tamworth Castle and the King Richard III Visitor Centre in Leicester.

4.3 As part of the investigative work within the study, Dobbies Garden Centre was approached to explore its potential role in helping to "tell the story". At that time (2016), the Store Manager indicated that Dobbies was looking to update Plantasia, its natural world themed visitor attraction, and that it would be interested in exploring the possibility of adding a Roman themed element to the attraction.

4.4 In May 2018, a meeting was held between the Head of Property at Dobbies Garden Centre, the Store Manager and a number of other interested parties, including representatives from the Borough Council, Atherstone Civic Society and Friends of Atherstone Heritage. Dobbies identified a section within the visitor centre (see Appendix A), which it was willing to offer to the group to use to depict the area's Roman history. The group also discussed longer term ideas to expand the Roman theme on the site, including through a development of the education room to appeal to schools, redesigning a maze and creating an outdoor trail.

...

- 4.5 A small sub-group has been established, which is led by a local volunteer from Mancetter and includes representatives from the Borough Council, Atherstone Civic Society and the Hinckley Archaeological Society. The purpose of the sub-group is, in the first instance, to create an exhibition in the available space at Plantasia, in readiness for the centre's re-launch at the end of July / beginning of August 2018. The exhibition will include displays, artefacts and interpretive material. It is also hoped that it will house a number of Mancetter 'finds' that are currently in storage at Warwick Museum.
- 4.6 The sub-group has produced a vision paper and an initial business plan (Appendix B) that sets out a phased development over a four-year period, including the possible expansion of the project across other sites and ultimately the provision of a purpose built visitor centre.
- 4.7 The development of a Roman Mancetter display and heritage centre was identified within the Destination Management Plan (2017 to 2022) as a key project that would strengthen the visitor offer of the area. The Destination Management Plan was produced by consultants ACK Tourism, and serves to provide a framework to "... guide the future development and growth of tourism across the two boroughs of North Warwickshire and Hinckley and Bosworth...".

## 5 Other Heritage Activity

### 5.1 North Warwickshire Heritage Forum

- 5.1.1 The Borough Council has been involved with the North Warwickshire Heritage Forum since it was first established in the late 1990s. The Forum has been hugely successful in bringing together the many different people working in the heritage sector, many of whom are volunteers, and providing an effective means of communication and networking.
- 5.1.2 During that time, the group has undertaken a number of different initiatives, including a Heritage Lottery funded project in 2006 / 07 entitled "Heritage Uncovered", an awareness campaign that included the production of leaflets and interpretation boards.
- 5.1.3 More recently, in 2017, it successfully delivered the Heritage Awards (previously known as the Civic Awards); a role previously undertaken by the Borough Council.
- 5.1.4 Moving forward, with the support of the Borough Council, this group is looking to become formally constituted, to allow it to make its own funding applications, raise awareness of the group and expand its membership base.

## **5.2 Heritage Officer**

5.2.1 The Borough Council, in a joint venture with Hinckley and Bosworth Borough Council, is submitting an application to the LEADER project, seeking funding to employ a dedicated Heritage Consultant. Within the Destination Management Plan, “Heritage and Culture” was identified as one of the key priorities for the two boroughs in their shared desire to achieve tourism growth.

5.2.2 In May 2017 a Tourism Consultant was appointed and funded through the European Agricultural Fund for Rural Development (EAFRD) to implement and deliver specific actions contained within the Destination Management Plan, including the further development of North Warwickshire Tourism, tourism partnerships and improved marketing activity. This 12 months contract came to an end in May 2018. In order to further progress the successful delivery of the Destination Management Plan, work is now being advanced in respect of implementing the heritage projects identified within the Plan.

5.2.3 Subject to a successful funding bid, the role of the Heritage Consultant will be to explore and develop activities that serve to educate and raise awareness of the important heritage assets within the two boroughs. The project will provide an holistic approach to telling the “story” of the destinations, and will serve to draw together the different areas of growth identified within the Destination Management Plan, including accommodation, attractions, events, culture, canals, walking and cycling. It will also bring together the different stakeholders operating in the area, providing them with a common purpose and focus.

5.2.4 Expected outputs include:

- To develop links with heritage and cultural attractions across the two boroughs to enhance and promote the overall appeal of the destinations
- To explore the uniqueness of the two areas and develop opportunities to “tell the story”
- To progress the development of live heritage and cultural projects
- To strengthen the cultural and heritage base of the area through the establishment of initiatives, leading to an increased number of visitors accessing local assets and improving the local economy
- To identify opportunities to promote the area and market the destinations more effectively
- To identify and apply for opportunities to access external funding for projects

5.2.5 A full application will be submitted to LEADER by 31 July 2018.

**5.3 Meadow Street Gardens, Atherstone**

- 5.3.1 The Borough Council and the Friends of Atherstone Heritage are submitting a partnership bid to the Heritage Lottery Fund to redesign the landscape of Meadow Street Gardens in Atherstone and to tell the story of the hatting heritage that relates specifically to this parcel of land and the local area.
- 5.3.2 In the past, Atherstone was renowned for the production of hats, yet currently there is very little information in the town that tells this important story. This parcel of land is located in the heart of Atherstone and it is close to the location of a number of former hat factories.
- 5.3.3 Landscape Consultants have been appointed to the project and consultation is being undertaken within the town that will lead to the production of a number of concept designs for the Gardens. These designs are expected to be available for discussion by the end of August 2018.

**6 Conclusion**

- 6.1 North Warwickshire and, perhaps, most particularly the Mancetter / Atherstone area, have a heritage of which they should be proud. The activity highlighted within this report will provide an important boost for the sector and for the organisations and committed individuals who are working so hard to raise awareness of the area's history. The activities described will also serve to raise awareness about local heritage amongst residents and visitors to the Borough, to encourage local people to value their communities and to instil within them a sense of local pride in their past.

**7 Report Implications**

**7.1 Finance and Value for Money Implications**

- 7.1.1 An additional budget is required to support this work, which could include the provision of match funding in any bids made for the projects highlighted in the report. Funding of £25,000 for heritage work is available in the earmarked reserve held for one off growth, so a request for a supplementary estimate of £25,000 will need to be made to the Executive Board. As funding is available, approval of the supplementary estimate will have no impact on the use of general balances in the year.

**7.2 Safer Communities Implications**

7.2.1 It is anticipated that the promotion of heritage will help to increase the number of visitors to the area, and will in turn help to grow the local economy, which should have a positive impact upon reducing levels of crime and anti-social behaviour.

**7.3 Legal, Data Protection and Human Rights Implications**

7.3.1 It is envisaged the Legal section will support the production of an agreement between Dobbies and North Warwickshire Borough Council to ensure that the exhibition space within Plantasia meets the needs of both parties both now and in the future.

**7.4 Environment, Sustainability and Health Implications**

7.4.1 Whilst it is hoped that the activities will help to boost the number of visitors to the area, it is considered that it will be relatively small-scale and will not create a negative benefit to the environment. Instead it is hoped that the exhibition will appeal to both new and existing visitors and will help to secure the long-term sustainability of the Roman Mancetter group.

**7.5 Human Resources Implications**

7.5.1 There are currently officers from both Community Development and Planning involved in the development stage of the identified projects and they are working to support the activity of the local volunteers.

**7.6 Risk Management Implications**

7.6.1 The production of a legal agreement between Dobbies and the Borough Council is intended to identify and mitigate against any potential risks associated with the exhibition space, ensuring that the contents and the environment in which people are visiting remain both safe and secure.

**7.7 Equalities Implications**

7.7.1 There are no Equalities Implications resulting directly from this report.

**7.8 Links to Council's Priorities**

7.8.1 The activity detailed in this report directly links to the following corporate priorities:

- Responsible Financial and Resource Management
- Protecting our Countryside and Heritage
- Improving Leisure and Wellbeing Opportunities
- Promoting Sustainable and Vibrant Communities
- Supporting Employment and Business

The Contact Officer for this report is Rachel Stephens (719301)

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	ACK Tourism	Destination Management Plan	May 2017

## **Agenda Item 8**

### **Executive Board**

**17 September 2018**

#### **Report of the Corporate Director - Resources**

#### **Budgetary Control Report 2018/19 Period Ended 31 August 2018**

### **1 Summary**

- 1.1 The report covers revenue expenditure and income for the period from 1 April 2018 to 31 August 2018. The 2018/2019 budget and the actual position for the period, compared with the estimate at that date, are given, together with an estimate of the out-turn position for services reporting to this Board.

#### **Recommendation to Council**

**To consider if any further information is required.**

### **2 Introduction**

- 2.1 Under the Service Reporting Code of Practice (SeRCOP), services should be charged with the total cost of providing the service, which not only includes costs and income directly incurred, but also support costs relating to such areas as finance, office accommodation, telephone costs and IT services. The figures contained within this report are calculated on this basis.

### **3 Overall Position**

- 3.1 Net expenditure for those services that report to the Executive Board as at 31 August 2018 is £309,814 compared with a profiled budgetary position of £308,526; an over spend of £1,288. Appendix A to this report provides details of the profiled and actual position for each service reporting to this Board, together with the variance for the period.
- 3.2 Where possible, the budget to date figure has been calculated with some allowance for seasonal variations, in order to enable a better comparison with actual figures.

### **4 Risks to the Budget**

- 4.1 The key risk to the budgetary position of the Council from services under the control of this Board is that the Emergency Planning budget of £5,850 may be insufficient to cover the costs of any major local emergency.

## **5 Estimated Out-turn**

- 5.1 Members have requested that Budgetary Control Reports provide details on the likely out-turn position for each of the services reporting to this Board. The anticipated out-turn for this Board for 2018/19 is £615,630, the same as the Original Budget.
- 5.2 The figures provided above are based on information available at this time of the year and are the best available estimates for this board, and may change as the financial year progresses. Members will be updated in future reports of any changes to the forecast out turn.

## **6 Report Implications**

### **6.1 Finance and Value for Money Implications**

- 6.1.1 Income and Expenditure will continue to be closely managed and any issues that arise will be reported to this Board for comment.

### **6.2 Environment and Sustainability Implications**

- 6.2.1 The Council has to ensure that it adopts and implements robust and comprehensive budgetary monitoring and control, to ensure not only the availability of services within the current financial year, but in future years.

The Contact Officer for this report is Nigel Lane (719371).

## North Warwickshire Borough Council

## Executive Board

## Budgetary Control Report 2018/2019 as at 31 August 2018

Description	Approved Budget 2018/2019	Profiled Budget August 2018	Actual August 2018	Variance	Comments
	£	£	£	£	
Housing Strategic Service Review	33,590	13,996	13,996	(0)	
Outreach and Access to Services	138,770	60,013	60,239	226	
Corporate Communications	66,860	34,390	34,715	325	
Community Strategy	125,740	62,392	62,799	407	
Emergency Planning	41,830	15,095	15,349	254	
N.Warks Local Development Framework	206,270	121,569	121,645	76	
Support to Parishes	2,570	1,071	1,071	-	
<b>Total Expenditure</b>	<b>615,630</b>	<b>308,526</b>	<b>309,814</b>	<b>1,288</b>	

## **Agenda Item No 9**

### **Executive Board**

**17 September 2018**

## **Report of the Chief Executive**

### **Local Government Ombudsman Annual Review 2017/18**

#### **1 Summary**

- 1.1 This report informs the Board about the results of the Local Government and Social Care Ombudsman Annual Review 2017/18. The report highlights the number of complaints and enquiries considered by the Ombudsman relating to the Council and the outcome of their determinations. The report also provides some contextual information about the compliments and complaints received via the Council's corporate Compliments and Complaints Procedure.

#### **Recommendation to the Board**

**That the report be noted.**

#### **2 Consultation**

- 2.1 Consultation has been carried out with the chair, vice chair and opposition spokesperson. Any comments received regarding the report will be highlighted to the Board.

#### **3 Background**

- 3.1 This report has been prepared following receipt of the Annual Review Letter 2017/18 from the Local Government and Social Care Ombudsman. The Annual Review provides a summary of the complaints and enquiries made to the Ombudsman relating to the Council during the 2017/18 year. The Annual review also shows what decisions the Ombudsman made about the complaints and enquiries received.

#### **4 Annual Review 2017/18**

- ... 4.1 Attached at Appendix A is a copy of the letter received by the Chief Executive from the Local Government and Social Care Ombudsman dated 18 July 2018. The annual review shows that 6 complaints or enquiries were made to the Ombudsman relating to the Council. In addition one enquiry was deemed to be incomplete or invalid. This compares to 5 complaints or enquiries received in the 2016/17 year. The 6 complaints and enquires were determined in the following way:

- 3 were closed after initial enquiries
- 2 were referred back for local resolution
- 1 involved advice being given

4.2 None of the complaints or enquiries resulted in an investigation by the Ombudsman. Members are requested to note that the Ombudsman is aiming to focus on the lessons than can be learned and the wider improvements that can be achieved through their recommendations to improve services. The Ombudsman will publish more information about outcomes of their investigations and highlight where recommendations result in improvements to local services. This should become more apparent in the 2018/19 Annual Review Letter.

4.3 Members should also note that the Housing Ombudsman investigates complaints regarding social housing and they have a Memorandum of Understanding with the Local Government and Social Care Ombudsman. More information about what kind of complaints they can investigate is shown on the website link below:

<http://www.housing-ombudsman.org.uk/learning-faqs/factsheets/what-kind-of-complaints-can-we-consider/#.WX8L6HIK2Uk>

4.4 The 6 complaints and enquiries received by the Local Government and Social Care Ombudsman were regarding the following services:

- Benefits and Tax 1
- Housing 3
- Planning and Development 2

4.5 It is pleasing to report that none of the complaints and enquires resulted in the Ombudsman carrying out an investigation. The outcomes of the complaints and enquiries are shown above at paragraph 4.1.

## 5 Compliments and Complaints 2017/18

... 5.1 Attached at Appendix B is a table showing the numbers of compliments and complaints received by service department through the Council's corporate procedure during the 2017/18 year. The table shows that 85 complaints, 97 requests for service and 62 compliments were received in the 2017/18 year. One complaint relating to the One Stop Shop was withdrawn. The number of complaints is an increase of 27 (47%) from 2016/17.

5.2 The increase is mainly due to an increase in complaints relating to Streetscape. The overall number has increased from 9 in 2016/17 to 34 in 2017/18. This is due to complaints being raised about the introduction of charges for green bins and replacement bins.

5.3 The number of requests for service has also increased from 67 to 97. The requests for service are complaint contacts which were considered not to be actual complaints. These can include the raising of a particular issue for the first time without the relevant service being aware of the issue.

5.2 The majority of complaints received relate to Streetscape, Housing, Development Control and Revenues and Benefits. Combined they account for 74 (87%) of the complaints received. These are service areas with high customer contacts and therefore it is not unusual to expect this.

- 5.3 Decreases have been seen in Revenues by 1 and in Housing by 4. Overall the number of complaints remains low when compared to the total number of contacts received and people dealt with.
- 5.4 An outcome status against each complaint is determined to show whether the complaint is considered to be justified or not upheld. This can be a matter of judgement and there will be some complaints which can be interpreted either way. Some complaints will have elements that could have been dealt with differently or better on occasions. Of the complaints received in 2017/18 48 (57%) are considered to be not upheld and 36 (43%) justified.
- 5.5 The compliments received show some examples of positive feedback received from residents and customers. The compliment figures do not include customer feedback responses received by Housing and Community Support which are monitored within their division.
- 5.6 Shown below is a table of the totals of compliments and complaints received during the last 10 years.
- 5.7 Table of Compliments and Complaints Totals

<b>Year</b>	<b>Compliments</b>	<b>Complaints</b>
2008/09	31	33
2009/10	43	30
2010/11	55	25
2011/12	45	40
2012/13	37	46
2013/14	46	95
2014/15	53	54
2015/16	79	73
2016/17	61	58
2017/18	62	85

## 6 Summary

- 6.1 Overall the number of complaints received is low in comparison to the number of customer contacts the Council has. The Local Government and Social Care Ombudsman has determined not to investigate any of the complaints or enquiries made to them. Members are requested to note the report and to identify any areas that require further consideration.

## 7 Report Implications

### 7.1 Legal Data Protection and Human Rights Implications

- 7.1.1 Some complaint cases can ultimately be investigated by either the Local Government Ombudsman or the Housing Ombudsman. Legal and Human Rights implications can be a consideration of some complaint investigations.
- 7.1.2 Complaints regarding data protection or information requests are considered under the Complaints Procedure and can be referred to the Information Commissioner's Office for further investigation.

## 7.2 Environment and Sustainability Implications

7.2.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. Feedback and learning from Complaints and Compliments helps the Divisions identify service improvements. The Procedure includes a specific requirement to identify any service improvements arising from each complaint investigation.

## 7.3 Equality Implications

7.3.1 The Complaint investigations provide an opportunity to identify any equality related implications. No adverse implications have been identified from the complaints received in 2017/18.

## 7.4 Risk Management Implications

7.4.1 Effective performance monitoring and analysis of complaints received will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance and quality level.

## 7.5 Equality Implications

7.5.1 The monitoring of complaints and compliments helps inform the Council's consideration of meeting the Equality Act requirements. Any specific equality related implication arising from a complaint investigation is considered in liaison with Policy Support and Legal Services as necessary.

## 7.6 Financial Implications

7.6.1 Any financial payments and credits identified in complaint investigations are made from the appropriate service budget under provisions relating to that service.

## 7.7 Links to Council's Priorities

7.7.1 By having an open and accessible complaints procedure this will contribute towards the achievement of the Council's priorities and in particular promoting vibrant and sustainable communities.

The Contact Officer for this report is Robert Beggs (719238).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

# Local Government & Social Care OMBUDSMAN

18 July 2018

*By email*

Jerry Hutchinson  
Chief Executive  
North Warwickshire Borough Council

Dear Jerry Hutchinson,

## **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** North Warwickshire Borough Council  
**For the Period Ending:** 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	0	0	0	0	3	2	0	6

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
1	1	2	3	0	0	0%	7

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	0

**Table of Complaints**

April 2017 – March 2018

<b>DEPARTMENT</b>	<b>NUMBER OF COMPLAINTS</b>	<b>NUMBER OF COMPLIMENTS</b>
<b>Chief Executive</b>		
<ul style="list-style-type: none"> <li>• Management Team &amp; Civic Support Unit</li> </ul>		
<b>Assistant Chief Executive &amp; Solicitor to the Council</b>		
<ul style="list-style-type: none"> <li>• Legal</li> </ul>		
<ul style="list-style-type: none"> <li>• Democratic Services</li> </ul>		
<ul style="list-style-type: none"> <li>• Policy Support</li> </ul>		
<ul style="list-style-type: none"> <li>• Environmental Health</li> </ul>		
<b>Development Control</b>		
<ul style="list-style-type: none"> <li>• Development Control</li> </ul>	11	7
<ul style="list-style-type: none"> <li>• Forward Planning</li> </ul>		1
<ul style="list-style-type: none"> <li>• Building Control – Nuneaton &amp; Bedworth Council</li> </ul>		
<ul style="list-style-type: none"> <li>• Enforcement</li> </ul>		
<b>Assistant Chief Executive (Community Services)</b>		
<ul style="list-style-type: none"> <li>• Revenues</li> </ul>	9	
<ul style="list-style-type: none"> <li>• One Stop Shop/ Contact Centre</li> </ul>	2	6
<b>Deputy Chief Executive</b>		
<b>Corporate Services</b>		
<ul style="list-style-type: none"> <li>• Computer Services</li> </ul>		
<ul style="list-style-type: none"> <li>• Central Services – Land Charges/Personal Searches</li> </ul>		
<ul style="list-style-type: none"> <li>• Central Services – Street Naming</li> </ul>		
<ul style="list-style-type: none"> <li>• Procurement</li> </ul>		
<ul style="list-style-type: none"> <li>• Public Relations</li> </ul>		
<b>Finance &amp; Human Resources</b>		
<ul style="list-style-type: none"> <li>• Financial</li> </ul>		
<ul style="list-style-type: none"> <li>• Human Resources</li> </ul>	1	
<b>Housing</b>		
<ul style="list-style-type: none"> <li>• Housing Management</li> </ul>	11	2
<ul style="list-style-type: none"> <li>• Housing Maintenance</li> </ul>	7	4
<ul style="list-style-type: none"> <li>• Community Support</li> </ul>		
<ul style="list-style-type: none"> <li>• Private Sector Housing</li> </ul>	2	2
<b>Leisure &amp; Community Development</b>		
<ul style="list-style-type: none"> <li>• Landscape Management</li> </ul>		1
<ul style="list-style-type: none"> <li>• Community Development</li> </ul>	2	
<ul style="list-style-type: none"> <li>• Leisure Facilities</li> </ul>	3	2
<b>Streetscape</b>	34	35
<b>Audit</b>		
<b>Other</b>		
<b>Request for Service</b>	97	
<b>Corporate</b>	3	2
<b>TOTAL</b>	<b>182</b>	<b>62</b>

<b>Complaint User Satisfaction Summary</b>		
<b>Question</b>	<b>Yes</b>	<b>No</b>
Did you find it easy to complain?	7	2
Were you given an apology?	5	4
Were you satisfied with the explanation given?	2	7
Was the complaint dealt with quickly enough?	7	2

**2017/18**

Not upheld = 48 57%

Justified = 36 43%

Total = 84

## **Agenda Item No 10**

### **Executive Board**

**17 September 2018**

**Report of the  
Director of Leisure and  
Community Development**

**Landscape Works to Prevent  
Unauthorised Access at Arley and  
Mancetter Recreation Grounds**

#### **1 Summary**

- 1.1 Further to recent unwanted incursions, this report informs the Board of proposed measures to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds.

#### **Recommendation to Council**

**That Council approves a supplementary estimate of £30,400 to support landscape works to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds.**

#### **2 Consultation**

- 2.1 Consultation has taken place with relevant Members and any comments received will be reported verbally at the meeting.

#### **3 Introduction**

- 3.1 In recent months, groups of travellers have accessed both Arley and Mancetter Recreation Grounds. This was not the first time that both sites have been subjected to these unwanted visits, which cause considerable distress within the local community. During the latest incursions, there was some disruption to services, including the cancellation of proposed use of the sports pitches and, at Arley, the Sports Centre had to be closed for two days as a consequence of the behaviour of the travellers. During the periods of time in question various items were vandalised, including a manhole cover at Mancetter Recreation Ground and a broken zip wire and damaged defibrillator at Arley Recreation Ground. It has not been possible, however, to identify the culprits of this unwelcome activity. The clean up operation at both sites was an unpleasant and time consuming task for staff. The clean up at Arley Recreation Ground, for example, involved the removal of human excrement and the collection and disposal of approximately 800kg of waste and rubbish. This activity took nearly five hours and incurred a disposal cost of almost £100.

3.2 A risk assessment of formal Borough Council green spaces vulnerable to unauthorised access was undertaken 2015 and an estimated cost of remedial measures was produced. These sites included:

- Piccadilly Sports Field
- Royal Meadow Drive Recreation Ground, Atherstone
- Brook Walk, Mancetter
- Cole End Park, Coleshill
- Arley Recreation Ground
- Abbey Green Park, Polesworth

3.3 Since 2015, various measures have been undertaken to prevent vehicular access into Piccadilly Sports Field, Royal Meadow Drive Recreation Ground and Abbey Green Park. Cole End Park has not been subjected to a period of unwanted access in recent years and, therefore, Arley and Mancetter Recreation Grounds are considered to hold the greatest risk of such an incursion. As such, they are felt to be the priority for any landscape works designed to improve their security.

#### **4 Landscape Works to Prevent Unauthorised Access at Arley and Mancetter Recreation Grounds**

4.1 Both Arley and Mancetter Recreation Grounds already benefit from a level of protection along some of their existing boundaries. At Arley, most of the southern, western and eastern boundaries are protected by hedges (except for two points off Rectory Road). The open, vulnerable boundary is the northern point, off Oak Avenue.

4.2 At Mancetter, the southwestern and western boundaries are largely bordered by housing. The site is predominantly open along its eastern and north eastern boundaries, with the boundaries along Rose Hill and two thirds of Church Walk being bordered by fencing and vegetation. The boundaries considered to be most vulnerable are those along Brook Walk, Purley View and a third of Church Walk.

4.3 Given the need to introduce measures of protection if these sites are to be made more secure, a practical approach has been considered that includes the retention of existing vegetation and fencing wherever possible and to focus instead on creating barriers along open sections of the Recreation Grounds.

4.4 In addition, the views of other local authority Parks Departments were sought, in order to benefit from their experiences in respect of measures that they have adopted to prevent unwanted access onto their green spaces. Comments were received from Birmingham City Council, Coventry City Council, Cannock Chase District Council and Wychavon District Council.

4.5 It is evident that there is no way in which to completely stop a determined party or group from gaining access onto land that they want to occupy. There are, however, various measures that can be introduced as a deterrent.

Accordingly, various barrier options were reviewed and approximate costings calculated. The barriers options considered were timber fencing, ditch and mounding, knee railing, bow top railing and vehicle restriction barriers and gates. Some of their advantages and disadvantages are listed below:

### **Timber Post and Rail**

Pros: Relatively cheap

Cons: It has been for the timber fences to be cut through with chainsaws



### **Bow Top Railing**

Pros: Can't be cut as easily as timber. The Borough Council has used bow top railing in a number of its recreation grounds

Cons: More expensive than timber. Can still be cut with the right tools. Travellers gained access at Piccadilly Sports Field by lifting a panel out of the ground



### **Knee Rail**

Pros: Less expensive than bow top railing. Visually less intrusive. The rails come in different materials

Cons: Could potentially be cut with the right equipment



### **Ditch and Mounding**

Pros: Ditches and Bunds are the cheapest method of deterrent

Cons: Increased time and cost to maintain, as they will have to be strimmed, which will impact on the Grounds Maintenance service. They have the potential to look untidy and become a litter trap. They also hold the potential to become a health and safety hazard if the ditch fills with too much water during wet periods



Groups have been known to use planks to cross ditches and mounds

### Vehicle Restriction Barriers

Pros: More difficult to vandalise and break. They can come with protected lock boxes

Cons: Expensive. They would present a barrier for emergency vehicles, although this problem is not insurmountable



4.6 The table below shows approximate prices per linear metre for different fencing / barrier types.

	Ditch and Mound	Timber Post and Rail	Bow Top Railing	Knee Rail
Price Per Linear Metre	£15.00	£38.00	£78.00	£55.00

4.7 In view of the potential cost implications, if Members are minded to seek to improve site security at both Arley and Mancetter Recreation Grounds, it was initially proposed to introduce a combination of ditch and mounding and vehicle restriction barriers at these locations. The designs of the proposed landscape works were then considered in further detail. Due to available space and intervening structures, such as trees and lamp posts, it would not be possible to solely use ditch and mounding in addition to the vehicle restriction barriers, so a combination of methods is now proposed. Further, provision has had to be made to allow accessible pedestrian access into the Recreation Grounds.

4.8 An outline of the proposed landscape works and estimated capital costs for each site are detailed below. Whilst there will be additional implications for Grounds Maintenance staff, this would be the case for any option chosen and the Director of Streetscape is confident that the work can be accommodated within existing resources.

## 5 Arley Recreation Ground

5.1 Plans of the proposed landscape works are identified in Appendix A. These landscape works include the following:

- To create ditch and mounding along three sections of openly accessible perimeter of Oak Avenue, as shown on the drawing in Appendix A. Due to available space and intervening trees, lamp posts and telephone poles it is not possible to appropriately introduce ditch and mounding along the whole length of the perimeter off Oak Avenue.
- To install timber knee railing along the other remaining open sections off Oak Avenue.
- To install a lockable Height Restrictor and Integral Field Gate at the existing car park entrances off Oak Avenue and Rectory Road.
- To install a chicane pedestrian access point off Oak Avenue and to connect with the existing informal path.
- To install a bollard adjacent to the bus stop, near the play area, as there is currently a gap that a vehicle could fit through.

Estimated Costs:

	<b>Knee Rail</b>
	£7,700
	<b>Ditch and Mound</b>
	£600
	<b>Vehicle Barrier x 2</b>
	£6,000
	<b>Bollard</b>
	£350
	<b>Tarmac Path</b>
	£1,157
	<b>Chicane Barriers</b>
	£680
<b>TOTAL</b>	<b>£16,487</b>

## 6 Mancetter Recreation Ground

6.1 Plans of the proposed landscape works are detailed in Appendix B. These landscape works include the following:

- To install timber post and rail fencing along the open section of Church Walk, to match the existing fencing and be more aesthetically pleasing.
- To install knee railing along the perimeter of the existing car park (space is not available for ditch and mounding).
- To install a lockable Height Restrictor and Integral Field Gate at the existing car park entrance off Brook Walk.
- To install two 'chicane' type pedestrian access points, one off Church Walk opposite the school and one off Brook Walk. The access off Brook Walk is proposed to include a tarmac path leading off Brook Walk into the Recreation Ground.

	<b>Knee Rail</b>
	£2,475
	<b>Ditch and Mound</b>
	£3,960
	<b>Timber Post and Rail</b>
	£760
	<b>Vehicle Barrier x 1</b>
	£3,000
	<b>Chicane Barrier</b>
	£1,360
	<b>Tarmac Path</b>
	£2,314
<b>TOTAL</b>	<b>£13,869</b>

## 7 Conclusion

7.1 The proposed works highlighted within this report will help to prevent unauthorised access into Arley and Mancetter Recreation Grounds, which are considered to be the sites most at risk of this unwanted behaviour. Introduction of the proposed measures will help to prevent disruption to services, protect appropriate use of the Recreation Grounds and minimise unease and distress within the local community. The total estimated capital cost of the proposed works is almost £30,400.

## **8 Report Implications**

### **8.1 Finance and Value for Money Implications**

8.1.1 There is no provision within either the capital or revenue budgets for the works proposed within this report. If Members are minded to progress the identified schemes, therefore, it will be necessary to approve a supplementary estimate in the sum of £30,400. Funding to support this level of expenditure is available through use of a combination of an earmarked reserve in the sum of £22,000 and £8,400 from the Risk Management Fund. As this funding is available to Members, approval of the supplementary estimate will have no impact on the use of general balances in the year.

### **8.2 Safer Communities Implications**

8.2.1 It is anticipated the proposed landscape works will have a positive impact upon reducing levels of crime and anti-social behaviour at the two Recreation Grounds and on improving the quality of life for the local community.

### **8.3 Legal, Data Protection and Human Rights Implications**

8.3.1 There are no legal, data protection or human rights implications resulting directly from this report.

### **8.4 Environment, Sustainability and Health Implications**

8.4.1 The proposed works, in particular the ditch and mounding, are likely to look untidy until such time as the required grass seed has established. Prior to the introduction of any proposed works, therefore, it would be advisable to inform Ward Members, parish councils and neighbouring residents of the action to be taken and the reasoning therefor.

### **8.5 Human Resources Implications**

8.5.1 There are no human resource implications arising directly from the works proposed within this report.

### **8.6 Risk Management Implications**

8.6.1 The potential risks associated with unauthorised access to Borough Council recreation sites include disruption to services, such as those recently experienced at Arley Sports Centre, as well as a possible failure to appropriately manage play areas and play spaces. Additionally, there are the increased costs to the Authority incurred during the required clean up operations.

8.6.2 The proposed landscape works identified within this report will help to prevent unauthorised access at Arley and Mancetter Recreation Grounds. The works should in turn minimise loss of service and reputation, vandalism and health hazards in relation to play equipment and staff time spent on remedial

measures and other associated capital costs. An associated risk assessment has been attached below.

## **8.7 Equalities Implications**

8.7.1 Positive impacts are anticipated for disabled, older and younger people as a result of the proposed landscape works, due to the improved access and hard surfaced footpaths. An Equality Impact Needs Assessment has been undertaken and is detailed below.

8.7.2 The Core Strategy 2014 sets out a requirement for the provision of residential and transit pitches for gypsy and travellers. This currently shows under *“NW7 Gypsy & Travellers 9 residential & 5 transit Gypsy & Traveller pitches will be provided between 2011 and 2028 based on current information. The provision for both residential and transit pitches is currently being met within the 5 year housing supply requirements.*

## **8.8 Links to Council’s Priorities**

8.8.1 The activity detailed in this report directly links to the following corporate priorities:

- Responsible financial and resource management
- Creating safer communities
- Protecting our countryside and heritage
- Improving leisure and wellbeing opportunities
- Promoting sustainable and vibrant communities

The Contact Officer for this report is Katherine Webster (719492)

## Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy Procedure / Service:	Landscape Works to Prevent Unauthorised Access at Arley and Mancetter Recreation Grounds
Officer Responsible for Assessment:	Green Space Officer

Does this policy /procedure /service have any differential impact on the following equality groups /people

- (a) Is there a positive impact on any of the equality target groups or contribute to promoting equal opportunities and improve relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way

Equality Group	Positive impact	Negative impact	Reasons/Comments
<b>Racial</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all. The provision of residential and transit pitches for gypsy and travellers is currently being met within the Core Strategy 2014 five year housing supply requirements.
<b>Gender</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>Disabled people</b>	Yes	NA	The proposed works for both Arley and Mancetter include provision for improved access into the Recreation Grounds. The improved access would include a footpath with hard surfacing that will be designed to be accessible to people with limited mobility. Currently there is no formal pedestrian footpath with hard surfacing into Mancetter Recreation Ground and only one surfaced footpath into Arley Recreation Ground off Rectory Road.
<b>Gay, Lesbian and Bisexual people</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>Older/Younger people</b>	Yes	NA	As mentioned above, the proposed provision of hard surfaced footpaths into each Recreation Ground will improve access to a wide range of users, including older and younger

			people.
<b>Religion and Beliefs</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>People having dependents caring responsibilities</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>People having an offending past</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>Transgender people</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.
<b>Armed Forces Covenant</b>	NA	NA	The Recreation Grounds will remain publicly accessible to all.

If you have answered **No** to any of the above please give your reasons below

Not applicable.

The document should not proceed to a further Impact assessment

## Risk Management Form

**NORTH WARWICKSHIRE  
BOROUGH COUNCIL**

**Division**

**Cost Centre or Service**

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood( 5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
1	Disruption to Borough Council services i.e. Arley Leisure Centre, formal football games.	Closure of Arley Leisure Centre, football matches cancelled, loss of Council reputation.	4	4	16	Katherine Webster	Borough Council put on social media about potential disruption to services, service notify football clubs. Streetscape Team provide bins/ bin bags for waste and litter.	4	3	12
2	Failure to appropriately manage play areas.	Equipment of play areas may be unsafe to use if vandalised or pose a hazard to health if - human excrement is located in proximity to the play areas. Quality and appearance of play areas declines, with less people/ children using the play areas and loss of reputation to the Council.	4	4	16	Katherine Webster	Streetscape Team and Play Area team on hand to clean up play area and repair minor faults or make safe if not possible to repair straight away.	4	3	12
3	Cost to Borough Council in staff time and capital costs to	Time of Legal, Streetscape and Leisure and	4	4	16	Katherine Webster	Remedial works are undertaken efficiently as possible by staff.	4	4	16

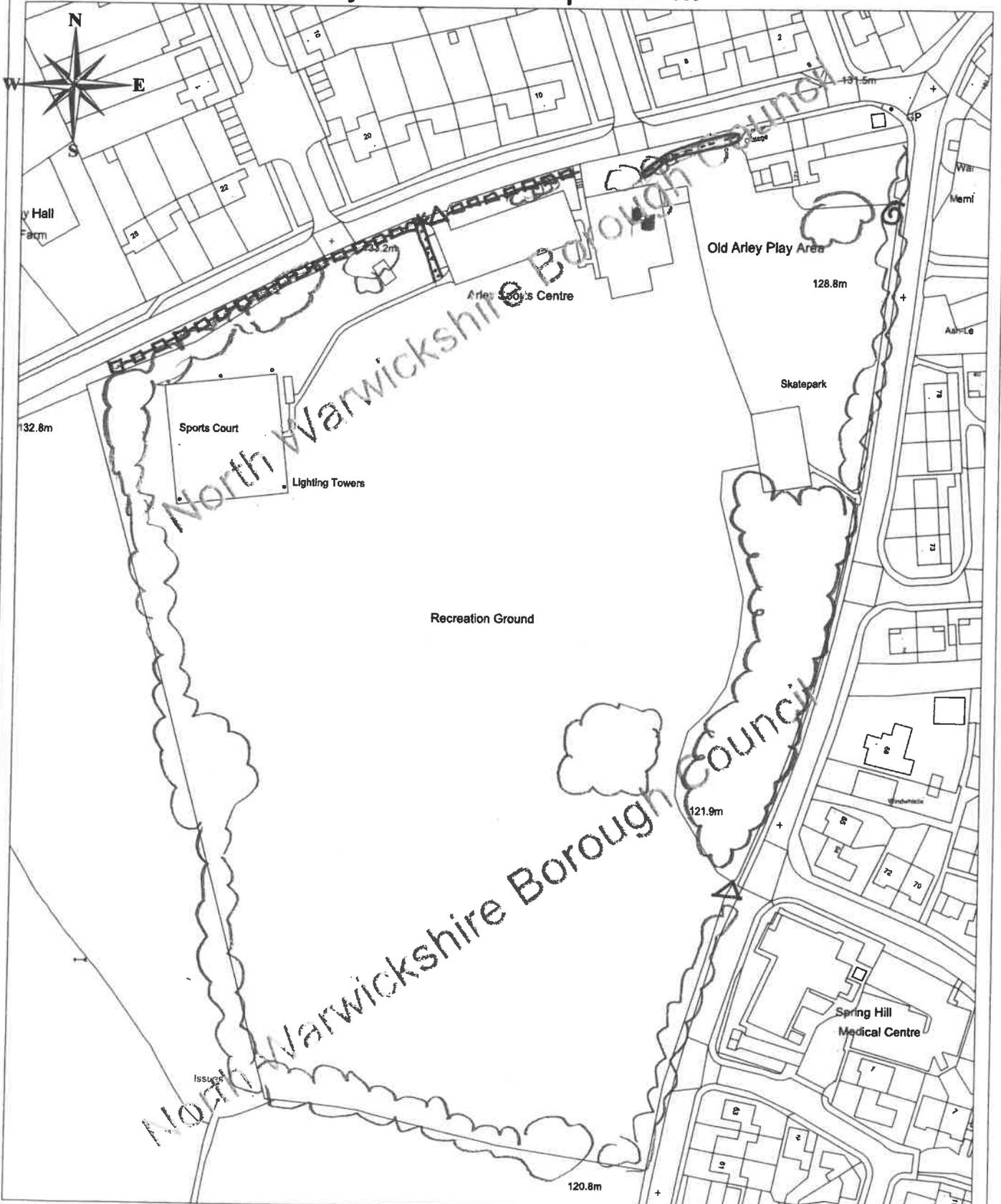
	progress tidy the Recreation Grounds after unauthorised access and	Community Development staff taken up with remedial action to unauthorised access when it could be focused on other service provision. Additional capital costs for waste disposal costs and repair of damaged equipment / ancillary items.					Streetscape Team provide bins/ bin bags for waste and litter.			
<b>Risk Ref</b>	<b>Options for additional / replacement control procedure</b>						<b>Cost Resources</b>	<b>Likelihood (5 = high, 1 = low)</b>	<b>Impact (5 = high, 1 = low)</b>	<b>Net Risk Rating</b>
1	Landscape works to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds. Should in turn minimise loss of service and reputation.						£30,400	2	2	4
2	Landscape works to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds. Should in turn minimise vandalism and health hazards to play equipment associated with unauthorised access (although vandalism could occur at any time without unauthorised access).						As above	3	3	9
3	Landscape works to try and prevent unauthorised access at Arley and Mancetter Recreation Grounds. Should in turn minimise staff time spent on remedial measures due to unauthorised access and hopefully reduce capital costs for waste disposal and repair of damaged equipment / ancillary items.						As above	2	2	4

Completed By: Katherine Webster

Date: 03.09.18

APPENDIX A

Arley Rec Landscape Works



Date: 22:08:18

Scale: 1:1500



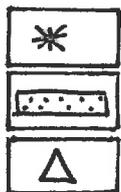
© Crown copyright and database rights 2018  
Ordnance Survey 100017910



Existing vegetation

Proposed ditch and mounding

Proposed knee railing



Proposed pedestrian access

Proposed path

Proposed height restriction barrier & gate



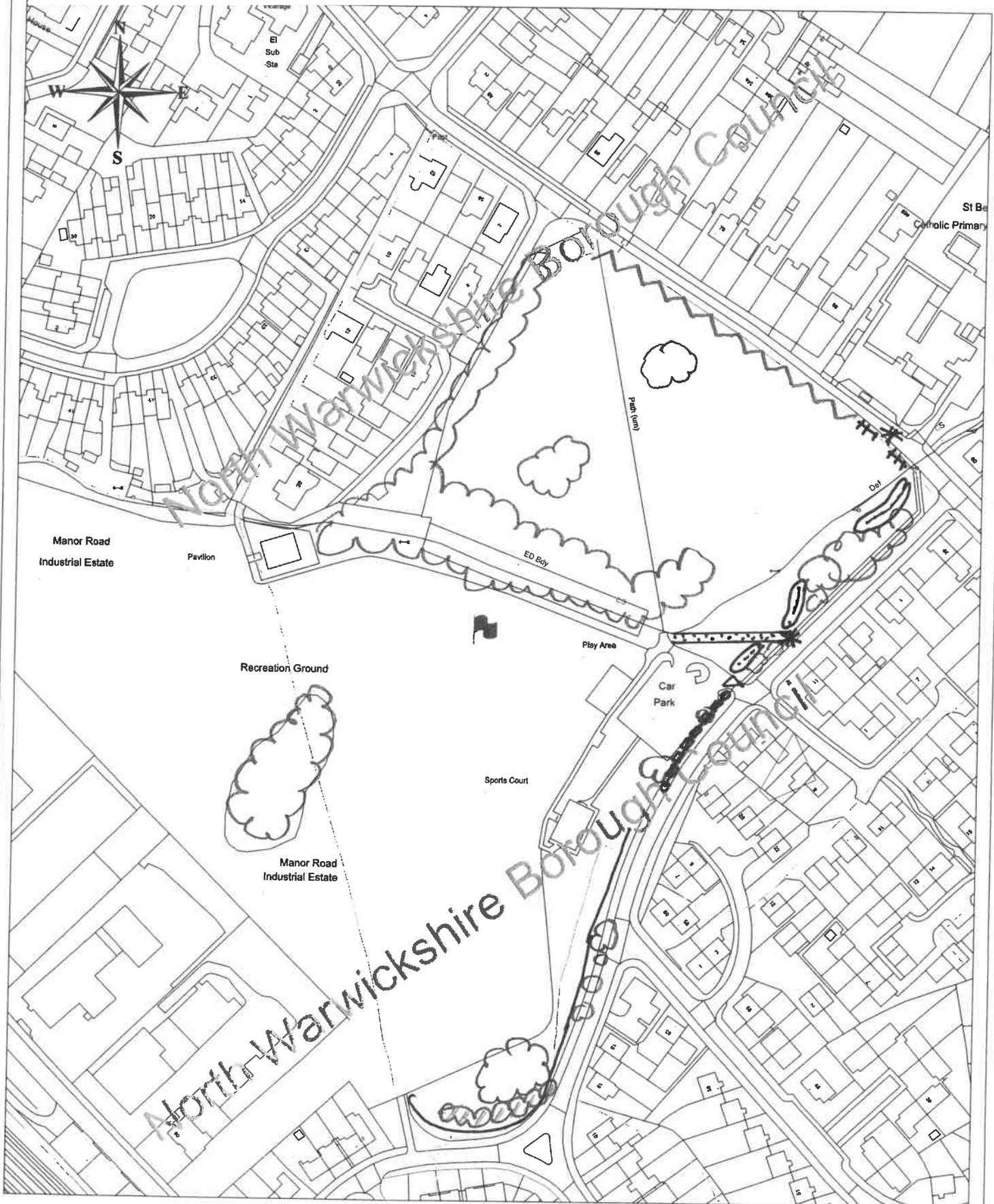
Proposed bollard



Ordnance Survey

# Appendix B

# Mancetter Recreation Ground Landscape Works



Date: 07:08:18

Scale: 1:2000



North Warwickshire  
Borough Council



Existing  
Vegetation



Vegetation to  
be removed



Existing timber  
fencing



Proposed  
Ditch &  
Mounding



Proposed  
Knee railing



Proposed  
Timber  
post & Rail



Proposed Vehicle Restriction barrier &  
Gate

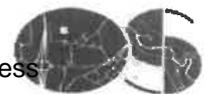


Proposed  
Pedestrian Access



Proposed Path

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Ordnance Survey 100017910



Ordnance Survey

## **Agenda Item No 11**

### **Executive Board**

**17 September 2018**

#### **Report of the Director of Leisure and Community Development**

#### **Polesworth Sports Centre Dual-use Agreement**

### **1 Summary**

- 1.1 This report updates the Board on Officers discussions with representatives of Polesworth School, further to the instruction of Full Council to seek to secure a short-term extension of the current dual-use agreement on improved financial terms for the Borough Council.

#### **Recommendation to Council**

**That Members note the progress made in discussions with representatives of Polesworth School, in respect of the desire to secure a short-term extension of the current dual-use agreement on improved financial terms for the Borough Council, and that the final terms of the agreement be determined in consultation with the Chairman and Vice-chairman of the Executive and Community and Environment Boards.**

### **2 Consultation**

- 2.1 The Chairman, Vice-Chairman and Opposition Spokesperson for the Executive, Community and Environment and Resources Boards, the Safer Communities Sub-Committee, Members with responsibility for Health, Wellbeing and Leisure and Young People, together with appropriate Ward Members, have all had the opportunity to comment on the content of this report. Any comments received will be reported verbally at the meeting.

### **3 Introduction and Background**

- 3.1 Members will be aware that, at its meeting held in January 2016, the Community and Environment Board approved the commissioning of “an overarching review of leisure provision in North Warwickshire, including leisure facilities, open space, sport and recreation need and supply and the revision of the (Authority’s) Green Space and Playing Pitch Strategies” by external consultants.
- 3.2 One of the related objectives of the approved Commission was for the consultants to:

- Prepare a detailed Leisure Facilities Strategy that addresses the needs identified in the (open space, sports and recreation need and supply) assessment in respect of indoor provision, provides an evidence base for policies addressing facilities provision and informs future investment decisions

3.3 The Leisure Facilities Strategy was prepared in accordance with guidance from Sport England. Also in line with the National Planning Policy Framework, it assessed the existing leisure facilities, as well as the need for sport and active recreation in the context provided by the anticipated growth in the Borough. In so doing, it addressed the quality, quantity, accessibility and availability of existing provision.

3.4 Based on the local context and their analysis of supply and demand, the consultants asserted a clear need to begin to plan for the replacement of / investment in a number of leisure facilities due to their age. In this regard, the Strategy proposes a future direction in respect of leisure facilities provision. This direction is then further crystalized within the 12 recommendations made by the consultants, of which Recommendation 4 states:

- Review the overall future leisure facility portfolio and consider the long-term strategic benefits of:
  - Replacing Atherstone Leisure Complex on an alternative site
  - Replacing provision in Polesworth with a new facility on an alternative site

#### **4 Polesworth Sports Centre Dual-use Agreement**

4.1 In view of the foregoing, and further to having agreed to consider the long-term benefits of replacing Atherstone Leisure Complex and Polesworth Sports Centre on new sites, the Executive Board and Full Council, at their respective meetings held in February 2018, also gave consideration to the need to determine the immediate future of Polesworth Sports Centre on its current site.

4.2 As Members are aware, that the dual-use agreement through which the Borough Council manages the Sports Centre on the site of Polesworth School is due to conclude on 31 December 2018. This 40 years agreement currently costs the Authority almost £43,000 a year, a figure that the external consultants identified as being very high. In support of their view, the consultants provided examples of larger, more modern and fit-for-purpose facilities that were subject to lower dual-use charges.

4.3 The current dual-use fee of almost £43,000 per annum is approximately 33% of the facility's net expenditure. Within their Operational Review report, the consultants advised that a figure closer to 20% (or £26,000 per annum) would be more realistic. Accordingly, the consultants recommended that the existing dual-use arrangement at Polesworth Sports Centre should be reviewed, to reduce the existing cost to better align with the facilities, on site

access and infrastructure provided. Further to consideration by the Executive Board, Full Council, at its meeting held on 21 February 2018, resolved that Officers be instructed to enter into discussions with representatives of Polesworth School, with a view to securing a short-term extension of the current dual-use agreement on improved financial terms for the Borough Council.

- 4.4 The Director of Leisure and Community Development has subsequently met with the School's Head Teacher and the Academy Trust's Director of Finance and Facilities Manager on two "formal" occasions, in addition to which a number of additional communications have been held with the Head Teacher. Despite the difficult nature of the subject matter, these discussions were cordial, respectful and based on a shared desire to maintain the positive relationship that has been built up between both organisations over many years.
- 4.5 At the outset of these discussions the Authority's position was clear, in that it was seeking a short-term dual-use agreement at a reduced annual cost to itself. The School was equally clear that whilst it understood the Borough Council's desire for a shorter agreement, based on the recommendations within the Leisure Facilities Strategy, this impacted on its longer-term planning. The School also stated that, in view of the costs that it incurred in respect of the Sports Centre building, which it owns, it would be extremely difficult to accommodate any reduction in the annual dual-use fee payable by the Borough Council. Detailed scrutiny was then given to both parties' costs associated with the Sports Centre.
- 4.6 At the conclusion of the negotiations the following in principle agreement was reached with the representatives of the School:
- Both parties would enter into a three-year dual-use agreement through which the Borough Council would continue to provide its current extent of sports and leisure services through the Sports Centre
  - The Borough Council would pay an annual dual-use fee of £34,000 to the School (reduced from £43,000)
  - The School would not impose any form of inflationary increase on this annual dual-use fee over the three-year period of the agreement
- 4.7 The School's Head Teacher has reported the outcome of the negotiations to her Board of Governors, which has approved the outlined terms. Executive Board is invited to similarly consider the "in principle" terms outlined in paragraph 4.6 above. If Members are minded to pursue a short-term extension of the current dual-use agreement, it is proposed that its final terms be approved in advance by the Chairman and Vice-chairman of the Executive and Community and Environment Boards.

## **5 Conclusion**

- 5.1 At its meeting held in February 2018, the Authority established a commitment to seek a short-term extension of the current dual-use agreement through which it operates the Sports Centre on the site of Polesworth School. In so doing, it also wanted to secure a reduction in the annual fee payable to the School. It is considered that an agreement of three years is advisable, in that this would afford time for Members to determine the longer-term future of leisure facility provision in Polesworth and elsewhere in the Borough. In view of the proposed reduction in the annual dual-use fee payable to the School, Members are asked to approve the terms of the short-term extension identified in paragraph 4.6 above, or otherwise direct Officers on how to pursue the negotiations with Polesworth School.

## **6 Report Implications**

### **6.1 Finance and Value for Money Implications**

- 6.1.1 The proposed three year extension of the dual-use agreement with Polesworth School, on the outlined terms, would realise an annual revenue budget saving of £9,000. The School has also agreed not to seek to impose an inflationary increase on the annual sum payable to it by the Borough Council for the period of the agreement.

### **6.2 Safer Communities Implications**

- 6.2.1 Well managed indoor leisure and recreation services afford opportunities for positive activity and provide for a safer environment for the local community.

### **6.3 Legal, Data Protection and Human Rights Implications**

- 6.3.1 The outline terms of the proposed short-term extension of the dual-use agreement with Polesworth School are identified in the main body of the report. If Members are minded to pursue such an agreement, it is proposed that its final terms be approved in advance by the Chairman and Vice-chairman of the Executive and Community and Environment Boards.

- 6.3.2 There are no data protection or human rights implications arising directly out of this report.

### **6.4 Environment, Sustainability and Health Implications**

- 6.4.1 Delivery of priorities identified in the Leisure Facilities Strategy (2017) helps to build sustainable and vibrant communities. Effectively operated leisure facilities also have a positive impact on the health and wellbeing of individuals and communities by providing opportunities for leisure and recreation activities and by contributing to an improved quality of life.

## **6.5 Human Resources Implications**

6.5.1 There are no human resources implications arising directly out of this report.

## **6.6 Risk Management Implications**

6.6.1 The current dual-use agreement, through which the Borough Council manages the Sports Centre on the site of Polesworth School, ends on 31 December 2018. A failure to negotiate an extension of the current agreement risks an inability to continue to provide the associated service, with the consequent adverse impacts for the local community.

## **6.7 Equality Implications**

6.7.1 Implementation of the provisions of the Leisure Facilities Strategy (2017), including in respect of indoor leisure provision in Polesworth, seeks to ensure equality of access to good quality service provision for the local community.

## **6.8 Links to Council's Priorities**

6.8.1 The proposed short-term extension of the Polesworth Sports Centre dual-use agreement is intended to have direct and positive links to the corporate priorities in respect of:

- Responsible financial and resource management
- Creating safer communities
- Improving leisure and wellbeing opportunities
- Promoting sustainable and vibrant communities
- Supporting employment and business

6.8.2 The proposed agreement, once finalised, is additionally intended to contribute directly to the priorities of the Sustainable Community Strategy, namely:

- Raising aspirations, educational attainment and skill levels
- Developing healthier communities
- Improving access to services

The Contact Officer for this report is Simon Powell (719352).

## Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	Assistant Director (Leisure and Community Development)	Report to Community and Environment Board (Strategic Review of Leisure and Community Development Services)	January 2016
2	Strategic Leisure Ltd.	Draft Leisure Facilities, Green Space and Playing Pitch Strategies and Associated Supplementary Planning Document	October 2017
3	Assistant Director (Leisure and Community Development)	Report to Executive Board (Strategic Review of Leisure and Community Development Services)	February 2018

## Equality Impact Assessment Summary Sheet

Please complete the following table summarised from the equality impact assessment form. This should be completed and attached to relevant Board reports.

Name of Policy, Procedure / Service	Polesworth Sports Centre Dual-use Agreement
Officer Responsible for Assessment	Director of Leisure and Community Development

Does this policy / procedure / service have any differential impact on the following equality groups / people?

- (a) Is there a positive impact on any of the equality target groups or contribution to promoting equal opportunities and improving relations or:
- (b) could there be a negative impact on any of the equality target groups i.e. disadvantage them in any way?

Equality Group	Positive Impact	Negative Impact	Reasons / Comments
Racial		No	
Gender		No	
Disabled People		No	
Gay, Lesbian and Bisexual People		No	
Older / Younger People		No	
Religion and Beliefs		No	
People Having Dependent Caring Responsibilities		No	
People Having an Offending Past		No	
Transgender People		No	

<b>Armed Forces Covenant</b>		No	
------------------------------	--	----	--

If you have answered **No** to any of the above please give your reasons below

The proposed short-term extension of the Polesworth Sports Centre Dual-use Agreement, on the terms identified within the report, is not intended to have a negative impact on any of the equality target groups or to disadvantage them in any way?

Please indicate if you believe that this document should proceed to a further Impact Assessment

Requires no further action.

## **Agenda Item No 12**

### **Executive Board**

**17 September 2018**

#### **Report of the Corporate Director - Environment**

#### **Board Membership**

### **1 Summary**

- 1.1 The purpose of this report is to seek authorisation for any possible amendments to representation on Boards resulting from changes in party membership.

#### **Recommendation to the Council**

- a That the revised Board, Committees and other bodies' arrangements detailed in the report be noted; and**
- b That revised membership details be approved.**

### **2 Report**

- 2.1 As Members will be aware, Councillor Moss has given notice that he has joined the Conservative Group. This necessitates a review of the composition and membership of Boards etc as follows;

Executive – 10 Members; 6 Conservative, 4 Labour  
Resources – 10 Members; 6 Conservative, 4 Labour  
Community and Environment – 13 Members; 8 Conservative, 5 Labour  
Planning and Development – 15 Members; 9 Conservative, 6 Labour  
Licensing – 15 Members; as above  
Special Sub-Group – 6 Members; 4 Conservative, 2 Labour  
Local Development Framework – 6 Members, as above  
Standards Committee – 6 Members; as above  
Safer Communities – 11 Members; 7 Conservative, 4 Labour

- 2.2 The Board is asked to recommend this slightly revised structure to Council and for Council to approve the membership of each body, following recommendations from the Leaders of each Group

### **3 Report Implications**

- 3.1 None

The Contact Officer for this report is Steve Maxey (719438).

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
None			

## **Agenda Item No 13**

### **Executive Board**

**17 September 2018**

#### **Report of the Corporate Director Environment**

#### **Gambling Act 2005 – Review of Gambling Licensing Statement Of Principles 2019 - 2022**

### **1 Summary**

- 1.1 The report asks Members to consider giving final approval to the draft Statement of Principles made under the Gambling Act 2005.

#### **Recommendation to Council**

**That the draft Statement of Principles made under the Gambling Act 2005 be approved and adopted as Council policy.**

### **2 Consultation**

- 2.1 All Borough Councillors and other stakeholders were sent a copy of the draft statement of principles on 21 May 2018. The draft statement was also put on the Council's website. The consultation period lasted for twelve weeks until 13 August 2018.

### **3 Introduction**

- 3.1 Section 349 of the Gambling Act 2005 (the Act) requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 3.2 Each statement lasts for a maximum of three years and the current statement expires on 31 January 2019.
- 3.3 The statement has been reviewed and a new draft statement was presented to Licensing Committee Chairman. The Committee Chairman agreed the draft statement subject to the requirement to go out to consultation.
- 3.4 The period of consultation ended on 13 August 2018 and two responses were received. These are attached at Appendices A and B. Both were felt to make valid points and the draft policy has been amended accordingly. The changes involve fairly minor changes to the wording to make the policy clearer as to its intention.

... 3.5 Members are therefore requested to approve the draft statement, attached as Appendix C, as Council policy.

3.6 Subject to approval, the statement must be published by being made available for inspection for a period of at least four weeks before it comes into effect on 31 January 2019. Once it comes into effect the statement will be in force until 30 January 2022 but can be reviewed as necessary at any time should circumstances require.

#### **4 Report Implications**

##### **4.1 Finance and Value for Money Implications**

4.1.1 There are no finance or value for money implications contained in the report.

##### **4.2 Safer Communities Implications**

4.2.1 Having an effective gambling policy will assist the Council in meeting the licensing objectives of the Gambling Act 2005, namely;

a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.

b) Ensuring that gambling is conducted in a fair and open way.

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

##### **4.3 Legal, Data Protection and Human Rights Implications**

4.3.1 There are no material legal implications arising from the adoption of the new policy provided the relevant statutory procedures are followed. The Council would be acting illegally if it did not adopt a policy under the Act.

##### **4.4 Environment, Sustainability and Health Implications**

4.4.1 There are no adverse environmental implications in the report. The policy will help maintain the quality of the environment by setting out the Council's expectations of licence holders in terms of promoting the licensing objectives.

##### **4.5 Human Resources Implications**

4.5.1 There are no human resource implications contained within the report.

##### **4.6 Risk Management Implications**

4.6.1 There is a risk that if the Council does not adopt this policy it is more likely that it could face legal challenges over its decisions.

#### 4.7 Equalities Implications

4.7.1 There are no negative impacts of opportunity for any known group.

#### 4.8 Links to Council's Priorities

4.8.1 Creating Safer Communities  
Improving Leisure and Wellbeing Opportunities  
Promoting Sustainable and Vibrant Communities  
Supporting Employment and Business

The Contact Officer for this report is Stephen Whiles (719326).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

## Whiles, Stephen

---

**From:** Rob Burkitt <RBurkitt@gamblingcommission.gov.uk>  
**Sent:** 05 June 2018 13:55  
**To:** Whiles, Stephen  
**Cc:** Amanda Hawkes  
**Subject:** SoP

Hi Stephen,

We spoke. Just to offer our thoughts. Sections 5 -7 only capture new applications, you no doubt receive very few of these and are likely to receive even less in the future. More critically it's about what existing premises do or do not do, hence the importance of a local risk assessment being an active, comprehensive reflection of how they mitigate risk, either existing or potential. So we would offer to you and colleagues that 29.3 could be strengthened, including that an LRA is held on premises (!) and there are quite a few examples of how other issues might be included here <http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf> . Fully appreciate that local circumstances will vary and so will appetite but as we know setting out expectations as fully as possible then gives an LA leverage in the event that an operator is non-compliant. (No harm at all in repeating things between the two sections either.)

I hope this helps and I am very happy to discuss further.

Regards

Rob Burkitt  
Lead – Shared Regulation and Better Regulation  
Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6580  
Fax: 0121 230 6720  
Mob: 07908 486180  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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BY EMAIL ONLY

[stephenwhiles@northwarks.gov.uk](mailto:stephenwhiles@northwarks.gov.uk)

North Warwickshire Borough Council  
Council House  
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Warwickshire CV9 1DE

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: [rjt@gosschalks.co.uk](mailto:rjt@gosschalks.co.uk)  
Our ref: RJT / MJM / 097505.00005  
#GS2001768  
Your ref:  
Date: 20th June 2018

Dear Sir,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of

these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

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

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track

account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

### **Concerns around increases in the regulatory burden on operators**

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

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

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the Draft Gambling Policy Statement of Principles**

We note that there are only two new paragraphs that have been inserted into the existing Gambling Policy Statement (paragraphs 4.6 and 29.3). We have no comments to make with regard to either of these new paragraphs. I do, however, have comments to make with regard to some of the existing paragraphs which we believe should be changed both to reflect the law as it now stands and to assist potential applicants/operators.

Paragraph 2.5 will need to be changed to reflect the new dates of the new Gambling Policy Statement of Principles coming into force and its expiry.

Within paragraphs 5.3, 7.3, 7.4 and 9.1, there are references to requirements to promotion/the promotion of the licensing objectives. This is a concept pertinent to applications under the Licensing Act 2003 rather than under the Gambling Act 2005. Within Gambling Act 2005, the requirement is that licensing authorities “have regard” to the licensing objectives and that applications are reasonable consistent with the licensing objectives. The only body upon whom the Act confers a duty to promote the licensing objectives is the Gambling Commission (Section 22 Gambling Act 2005). In the circumstances, the references to the promotion of the licensing objectives should be amended.

Paragraph 7.4 contains a list of considerations that the Licensing Authority will take into account when considering whether or not an application is reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The final bullet point refers to locations “*within a sensitive area or in close proximity to what are considered to be sensitive areas*”. There is no definition of what the Licensing Authority considers to be a sensitive area and this should be defined or removed. The Licensing Authority is reminded that as far as betting offices are concerned, these have existed lawfully within highly populated areas for over 50 years. These adult only environments are highly regulated and there is very little evidence of betting offices causing any difficulty whatsoever. Any definition of “sensitive areas” should reflect this.

Paragraph 9.3 should be removed from the policy. This suggests that applications in certain proximities will be regarded as very likely to adversely affect the licensing objectives. The Licensing Authority cannot have a policy that this is likely to be the case. Any determination with regard to whether the existence of a premises is reasonably consistent with the licensing objectives must be based on evidence of that particular case and in those particular circumstances furthermore, this Paragraph serves no purpose especially given the fact that paragraph 9.4 indicates that each application will be considered on its own merits.

Paragraph 10.1 is headed “Primary Activity” and in the last sentence uses the term “primary gambling activity”. Whilst this was a live issue when the last Statement of Principles was adopted, matters have moved on and indeed other than in the index to the latest edition of the Gambling Commission Guidance, the Gambling Commission does not use the phrase “primary gambling activity” any more. As far as betting offices are concerned, the Gambling Commissions Guidance is clear (paragraph 19.23 Gambling Commission Guidance – September 2015 updated September 2016) that gaming machines are only to be made available for use in combination with betting. Unless a betting premises operator offers substantive facilities for non remote betting, it should not make gaming machines available for use. There is no need for an investigation with regard to the relative use of the facilities. The only requirement is that substantive facilities for betting are made available is gaming machines made be made available for use. Accordingly, this paragraph should be amended.

Paragraph 14 deals with the Licensing Authority's approach to the imposition of conditions on premises licenses. This section would be assisted by a clear indication that all Gambling Act 2005 premises licenses are subject to mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft Statement of Principles should also make it clear that additional conditions will only be imposed where there is evidence in the circumstances of a particular case that the mandatory and default conditions need to be supplemented.

Paragraph 16 refers to betting machines in betting premises. The policy would be assisted if a clear distinction was to be made between betting machines (where there is the ability for the Licensing Authority to limit numbers) and gaming machines where there is no such ability. The holder of a betting premises licence may make available for use up to four gaming machines of categories B, C, or D (Section 172(8) Gambling Act 2005).

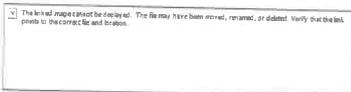
### Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**

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North Warwickshire  
Borough Council

**Gambling Act 2005**

# **Gambling Policy Statement Of Principles**

## **IMPORTANT NOTE**

In producing this statement, the Licensing Authority is aware that the Government may amend the gambling Act 2005, subordinate legislation and statutory guidance. Any such amendments made in the future will only be incorporated into subsequent policy statements and not this document. Readers are advised to check on the Gambling Commission website to ensure they have the latest information.

**GAMBLING ACT 2005**

**GAMBLING POLICY**

**STATEMENT OF PRINCIPLES**

**1. Introduction**

1.1 North Warwickshire Borough Council, as the Licensing Authority (referred to in this Statement as the Authority), makes this Statement of Principles in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

1.2 North Warwickshire Borough is a largely rural area surrounded by large urban areas such as Birmingham, Coventry and Nuneaton, with a population of 63,193 people. There are four main centres of population – the towns of Atherstone and Coleshill and the large villages of Polesworth and Kingsbury and smaller settlements in nineteen parishes.

1.3 List of Consultees

The Authority has consulted the following on the content of this Statement of Principles:-

- Responsible Authorities
- Holders of existing licences, permits and registrations
- Councillors and Parish Councils
- Representatives of businesses
- Representatives of persons carrying on gambling businesses in North Warwickshire
- Local bodies representing consumers and tourism
- Local bodies representing vulnerable persons
- Departments within the Council with an interest in the licensing of gambling

1.4 In preparing this statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission, Regulations made by the Secretary of State and responses to its consultations.

**2. Gambling Act 2005**

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:-

- **preventing gambling from being a source of crime and 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 carrying out the licensing function under the Act the Authority will aim to permit the use of premises for gambling as long as it is considered to be :-

- **in accordance with any relevant Codes of Practice issued by the Gambling Commission;**
- **in accordance with any relevant Guidance issued by the Gambling Commission;**
- **in accordance with this Statement of Principles; and**
- **reasonably consistent with the licensing objectives.**

2.3 The Act provides for 3 categories of licence :

- operating licences;
- personal licences; and
- premises licences

2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

2.5 This statement will come into force on 31st January 2019 and will have effect until 30th January 2022 being kept under review and revised or amended as required following consultation.

### **3. Authorised Activities**

3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- gaming means playing a game of chance for a prize;
- betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring; or whether anything is true or not;
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

3.2 The main functions of the Licensing Authority are to:

- licence premises for gambling activities;
- grant permits for gambling and gaming machines in clubs;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider notices given for the temporary use of premises for gaming;
- receive occasional use notices for betting at tracks; and
- register small societies lotteries;

3.3 Spread betting is regulated by the Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission. The National Lottery is regulated by Gambling Commission.

### **4. General Statement of Principles**

- 4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and racing tracks.
- 4.2 In carrying out its licensing functions the Authority will have regard to guidance issued by the Gambling Commission.
- 4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This statement of principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Licensing Authority will have regard to the provisions of the Human Rights Act.
- 4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 4.5 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities. However, the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits. The Authority can not take into account any moral objections to gambling.
- 4.6 In its Guidance to Local Authorities the Gambling Commission suggest that Licensing Authorities should adopt a "Local Area Profile". A Local Area Profile is created by gathering information about a locality and any particular areas of concern within that locality. Where evidence is submitted to the Licensing Authority which identifies any areas of concern it is intended to produce a Local Area Profile separate to this Statement. Once adopted, the Local Area Profile would assist the Authority and Operators in identifying specific local risks within the District.

## **5. Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime**

- 5.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities.
- 5.2 When applying to the Authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Authority will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission. The Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commissions Guidance, codes of practice and this gambling policy.
- 5.3 The Authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the policy and demonstrate that in operating the premises they will be reasonably consistent with the objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Authority will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.

- 5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

**Criteria:**

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

**Considerations:**

- Where an area is known for high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Licensing Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Authority may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

**6. Ensure Gambling is conducted in a fair and open way**

- 6.1 Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.
- 6.2 In relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

**Criteria:**

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

**Considerations:**

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commission's Codes of Practice have been complied with.

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

- 7.1 The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).
- 7.2 The Act and Gambling Commission Guidance does not define the term "vulnerable". For regulatory purposes and the Commission states that it assumes "vulnerable persons" includes:
- people who gamble more than they want to;
  - people who are gambling 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.

This is the definition the Licensing Authority will use in its consideration of applications.

- 7.3 This Licensing Authority will pay particular attention to any codes of practice, which the Gambling Commission issues in relation to specific premises. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions having regard to this objective.
- 7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

**Criteria:**

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

**Considerations:**

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective. If an application for a gambling premises is

received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Licensing Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to ensure that they are reasonably consistent with this licensing objective. (Sensitive areas are outlined in 9.3)

## **8. Premises Licences**

8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:-:

- casino premises;
- bingo premises;
- betting premises, including tracks and premises used by betting intermediaries;
- adult gaming centres;
- family entertainment centres;

8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.

8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address this through licence conditions wherever possible.

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

8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.

8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

## **9. Location**

9.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises. However, the authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

9.2 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:

- how the premises will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc,

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

- 9.3 The Licensing Authority will consider proposals for new gambling premises that are in sensitive areas such as close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, having regard to the Gambling Act objective.
- 9.4 It should be noted that each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome. This may be achieved through the local risk assessment.

## **10. Primary Activity**

- 10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time. Applicants are expected to operate premises in line with the Commission's Guidance and conditions on their operators licence. The Authority will monitor the operation of premises and may report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.
- 10.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

## **11. Responsible Authorities**

- 11.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Authority if they are relevant to the licensing objectives.
- 11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:
- The Licensing Authority itself
  - The Gambling Commission;

- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

Section 211(4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

11.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area: and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

11.4 Details of the body designated for North Warwickshire Borough Council, is Warwickshire County Council (Protection Of Children). Details of this and all other responsible authorities are available on [www.northwarks.gov.uk](http://www.northwarks.gov.uk) or in printed form available from the Authority.

## **12. Interested Parties**

12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone 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 in either of the two groups above

12.2 The principles the Licensing Authority will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities

being applied for.

- Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.

12.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the licensing team.

12.4 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

### **13. Representations**

13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.

13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the Commissions guidance or codes of practice. The Authority must determine the relevance of the representation.

13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.

13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:

- who is making the representation and whether there is a history of making representations that are not relevant;
- whether it raises a 'relevant' issue or not; or
- whether it raises issues specifically to do with the premises which are the subject of the application.

### **14. Conditions of Licence**

- 14.1 All Gambling Act premises licences are subject to mandatory and default conditions and these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence in the circumstances of a particular case that these conditions need to be supplemented. Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.
- 14.2 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 14.3 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:
- relevant to the need to make the premises 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
  - decided on a case by case basis
- 14.4 The Authority will not consider imposing conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
  - relating to gaming machine categories, numbers or method of operation;
  - which specify that membership of a club or other body is required; and
  - in relation to stakes, fees, winnings or prizes.

## **15. Casinos**

- 15.1 The Authority has already considered its position under Section 166 of the Gambling Act 2005 regarding the application for a casino and has passed a 'no casino' resolution.

## **16. Betting Machines in Betting Premises**

- 16.1 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 16.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, 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.

## **17. Bingo**

- 17.1 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing 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 licence, for that or those excluded areas.

- 17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 17.3 This Authority also notes the Commissions Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.
- 17.4 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the commission.
- 17.5 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 17.6 Commercial bingo halls will require a bingo premises licence from the Council
- 17.7 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, local authorities will ensure that:
- all such machines are located in an area of the premises separate 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 the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **18.0 Tracks**

- 18.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 18.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 18.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place.

Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

- 18.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **19. Temporary Use Notices**

- 19.1 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.
- 19.2 The Licensing Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 19.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commission 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", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 19.5 The 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 Guidance.

## **20. Occasional Use Notices**

- 20.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **21. Gaming Machines**

- 21.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.
- 21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers whether to impose

such a restriction on any particular permit it may, among other things, 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 or by vulnerable persons.

- 21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

## **22. Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 22.1 Where a premises 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.

- 22.2 Guidance also 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 FEC, and if the chief officer of police has been consulted on the application, Licensing Authorities may wish to consider asking applications to demonstrate:

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

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

- 22.5 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **23. (Alcohol) Licensed Premises Gaming Machine Permits**

- 23.1 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 can remove the 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 Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

- 23.2 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 Gambling Act 2005, and “*such matters as they 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 Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 23.4 It should be noted that the Licensing Authority can decide to grant the permit application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

#### **24. Prize Gaming Permits**

- 24.1 In making its decision on an application for this permit the Licensing Authority does not need to but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 24.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but 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.

#### **25. Club Gaming and Club Machine Permits**

- 25.1 Members’ Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club 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

regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

25.2 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. It is anticipated that this will cover bridge and whist clubs, which will replicate 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.

25.3 Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police

25.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

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

25.5 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.

## **26. Lotteries**

26.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Council is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for:

- Charitable purposes
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity

- For any other non-commercial purpose other than that of private gain.

## **27. Exchange of Information**

27.1 The principle that the Licensing Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulation will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **28. Enforcement**

28.1 The Council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections. The targeting of resources towards high-risk premises and activities that require greater attention will provide a more efficient deployment of the Council's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low risk premises, which are well run.

28.2 The Council's approach to enforcement will be based on identified risk and will take into account:

- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The licensing objectives
- The principles set out in this statement of gambling policy

28.3 In general, action will only be taken in accordance with the principles of the Regulatory Compliance Code, Licensing Authority Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.

28.4 The Council will also be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

28.5 In accordance with the Gambling Commission Guidance to Licensing Authorities the Council will endeavour to avoid duplication with other regulatory regimes as far as possible.

28.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## 29. The Licensing Process

29.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matters to be dealt with	Full Council	Full Committee	Sub Committee	Officers
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn.	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits/registration of small society lotteries				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a				

counter notice to a temporary use notice	X
Decision on whether a complaint is irrelevant frivolous vexatious etc	X
Decision as Responsible Authority to call for a Review of a Premises Licence	X

29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6<sup>th</sup> April 2016 applicants should carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

29.3 The Authority will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds. Leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected

29.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

29.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

North Warwickshire Borough Council  
 South Street  
 Atherstone  
 Warwickshire  
 CV9 1DE

Effective: 31<sup>st</sup> January 2007  
 Effective date of reviewed policy: 31<sup>st</sup> January 2013 Valid until 30<sup>th</sup> January 2016  
 Effective date of reviewed policy: 31<sup>st</sup> January 2016 Valid until 30<sup>th</sup> January 2019

Effective date of reviewed policy: 31<sup>st</sup> January 2019 Valid until 30<sup>th</sup> January 2022

## Agenda Item No 14

Executive Board

17 September 2018

### Report of the Chief Executive

### Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - June 2018

#### 1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to June 2018.

#### **Recommendation to Council**

**That Members consider the performance achieved and highlight any areas for further investigation.**

#### 2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

#### 3 Background

- 3.1 This report shows the first quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2018/19. This is the first report showing the progress achieved so far during 2018/19.

#### 4 Progress achieved during 2018/19

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to June 2018/19 for the Executive Board.
- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

## 5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2018/19 year.

## 6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 91% of the Corporate Plan targets and 40% of the State of Borough Indicators performance indicator targets and 33% of the Council Indicators are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

### Corporate Plan

Status	Number	Percentage
Green	10	91%
Amber	1	9%
Red	0	0%
Total	11	100%

### Performance Indicators

#### State of the Borough Indicators

Status	Number	Percentage
Green	2	40%
Amber	3	60%
Red	0	0%
Total	5	100%

#### Council Performance Indicators

Status	Number	Percentage
Green	1	33%
Amber	1	33%
Red	1	33%
Total	3	100%

## 7 **Summary**

7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

## 8 **Report Implications**

### 8.1 **Safer Communities Implications**

8.1.1 The community safety performance indicators are included in the report.

### 8.2 **Legal, Data Protection and Human Rights Implications**

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

### 8.3 **Environment and Sustainability Implications**

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of targets and indicators included which contribute towards the priorities of the sustainable community strategy including financial inclusion, core strategy, community safety and affordable housing,

### 8.4 **Risk Management Implications**

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

### 8.5 **Equality Implications**

8.5.1 There are a number of contributions towards equality related targets and indicators including, informing customers about opportunities to influence decision making, customer access, consultation, domestic abuse and financial inclusion highlighted in the report.

### 8.6 **Links to Council's Priorities**

8.6.1 There are a number of targets and performance indicators contributing towards the priorities of protecting our countryside and heritage, creating safer communities, responsible financial and resource management, supporting employment and businesses and promoting sustainable and vibrant communities.

The Contact Officer for this report is Robert Beggs (719238).

## Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>

Executive Board 18/19						
	Action	Priority	Reporting Officer	Quarter 1	Status	Direction
17	To progress the Local Plan through Inquiry towards adoption by October 2018	Protecting our Countryside & Heritage	Dorothy Barratt	The Local Plan was submitted to Government in March 2018. Progress is out of the Borough Council's control. The Local Plan is now at examination being led by an independent Inspector. The first set of hearing dates is 25th, 26th and 27th September. Adoption is now expected in early 2019.	Amber	
18	Whilst continuing to oppose a) the route of HS2 Phase 2b in principle, to press for maximum mitigation and benefits for the Borough, required as a consequence of the HS2 proposal, in partnership with other affected Councils and community action groups and; b) To continue to oppose the principle of Opencast Mining and Mineral Extraction	Protecting our Countryside & Heritage	Dorothy Barratt	Work is progressing with the Draft Environmental Statement for Phase 2B expected in the Autumn.	Green	
19	To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March	Creating Safer Communities	Robert Beggs	A Recovery workshop has been arranged by the Warwickshire Local Resilience Forum to consider how the recovery plan will work across multi agencies. More work on preparing recovery responses will take place. Discussions are taking place with the CSWR team about their potential support with our local resilience plans.	Green	
20	To achieve the savings required by the Budget Strategy including the commitment to keep Council Tax as low as possible and to update the Strategy to reflect future developments by September 2018	Responsible Financial & Resource Management	Sue Garner	Work on identifying savings for 2019/20 is progressing. Work to update the financial strategy will commence shortly.	Green	
21	To report on the Council's debt and reserves and the Council's capital funding gap by February 2019	Responsible Financial & Resource Management	Sue Garner	Some initial work has commenced.	Green	
22	To update the Medium Term Financial Strategy in September 2018 and February 2019, to take account of external funding changes relating to Business Rates	Responsible Financial & Resource Management	Sue Garner	Work to update the financial strategy will commence shortly.	Green	
23	To continue to work with partner organisations in the Coventry, Warwickshire and Hinckley Joint Committee and to consider further options for joint work in the light of Central Government proposals for greater devolution, if this proves beneficial to the local economy	Supporting Employment & Business	Steve Maxey	The main focus of this work continues to be the West Midlands Combined Authority. The Leaders of the Council has recently been appointed to the Strategic Economic Plan Board. A Coventry/Warwickshire/South Leicestershire Joint Committee meeting is likely later in the year in order to take forward our coordinated approach to strategic planning issues	Green	
24	To continue to work with Warwickshire County Council, the Environment Agency and local communities to mitigate the effects of, and protect against, the impacts of localised flooding and to update as part of the quarterly performance reports	Creating Safer Communities	Richard Dobbs/Steve Maxey	Local flood prevention work continues with input provided to specific schemes such as Fillongley and also practical support to communities and parish councils in areas prone to flooding.	Green	

	Action	Priority	Reporting Officer	Quarter 1	Status	Direction
25	To ensure we communicate effectively to help inform residents, businesses and all sections of our communities of the Council's services and priorities and made clear the opportunities for them to be involved in decision making via consultation. To take into account the LGA Communications Health-Check and the commitments in the Council's Customer Access Strategy in all aspects of work in this area and to report on progress by May 2018	Promoting Sustainable & Vibrant Communities	Linda Bird/Steve Maxey/Bob Trahern	Work to take account of the LGA Communications Health Check has progressed well and will be complete at the end of July when the new Corporate Communication Post is filled and an initial Communications Framework has been produced. We continue to get strategic communications support from WCC and work has started to review consultation. A report will now be brought to Board in November.	 Green	
26	To implement, and then maintain, any changes required by the General Data Protection Regulations by May 2018	Responsible Financial & Resource Management	Steve Maxey	An Officer working group has been working for many months and the following outcomes have been achieved: each division has a register of its sources of data, basis for collecting it and control arrangements; updated corporate policies and reporting arrangements; e-training for Officers and Members (further training to be offered to Members). Work continues on issues such as CCTV and specific issues within Division.	 Green	
27	To develop a North Warwickshire Transport Strategy, together with Warwickshire County Council, by March 2019	Supporting Employment & Business	Steve Maxey	Work continues, principally on the A5 bid to the Housing and Infrastructure Fund.	 Green	

NWPI Executive Board 18/19

Ref	Description	Section	Priority	Year End Target 2018/19	Outturn 2017/18	April - June Performance	Traffic Light	Direction of Travel	Comments
<b>Council Performance Indicators</b>									
NWLPI 158	To respond to all complaints and requests for service within three working days	Env Health (C, L & HP)	Public Services and Council Tax	99	98	86	Amber		The poorer performance reflects the fact that the pollution team are two members of staff short. One contractor has been brought in to help. One new member of staff is starting in August.
NWLPI 162	Percentage of Freedom of Information replies dealt with within 20 days	Policy Support	Public Services & Council Tax	100	96%	97%	Red		220 Freedom of Information requests received, 214 completed within 20 days, 1 over 20 days and 5 outstanding. The performance is a good achievement taking into account the increasing complexity of some of the requests received.
New	The number of LG & Housing Ombudsman complaints determined as maladministration	Policy Support	Public Services & Council Tax	0	0	0	Green		No complaints referred to the Ombudsmans in this period. During 2017/18 year 6 complaints or enquiries were considered by the LG Ombudsman. Of those cases 3 were closed after initial enquiries, 2 were referred back for local resolution and one resulted in advice being given. The cases related to Housing 3, Planning & Development 2 and 1 re Benefits & Council Tax.
<b>State of the Borough Indicators</b>									
NWLPI 153	Number of residential burglaries in the Local Authority area	Policy Support	Crime and Disorder	270	271	42	Green		The first quarter shows a reduction of 29% compared to the same period in 2017/18. Additional Policing operations carried out to target hot spot locations in the borough.
NWLPI 154	Number of violent offences and sexual offences in the local authority area	Policy Support	Crime and Disorder	1416	1417	374	Amber		Increases in violent offences are continuing in the first quarter with a 13% increase compared to the same period in 2017/18. Violence without injury accounts for 56% of the offences and violence with injury 35%. Analysis of the violence offences prepared for the Special Interest Group. The analysis hasn't identified any major areas of concern.
NWLPI 155	The number of vehicle crimes in the local authority area	Policy Support	Crime and Disorder	602	603	136	Amber		Theft from vehicles are continuing to increase in this period. Hot spot locations are monitored and prevention measures are put in place. Valuables continue to be left on display in vehicles despite the appropriate security advised being promoted.

Ref	Description	Section	Priority	Year End Target 2018/19	Outturn 2017/18	April - June Performance	Traffic Light	Direction of Travel	Comments
@NW:NI032	Violence Against the person with injury Offences related to Domestic Violence	Policy Support	Crime and Disorder	149	150	44	Amber		Increases in May and June were seen with 16 offences in both months. The proportion of domestic violence offences is 33% in this period compared to 31% overall in 2017/18. The additional support services provided by Warwickshire Domestic Abuse Counselling Services are continuing to be funded in 208/19 year.
@NW:NI047	People killed or seriously injured in road traffic accidents	Policy Support	Crime and Disorder	70	71	9	Green		Lower levels of killed or serious injuries in the first quarter with 9 serious injuries and no fatalities.

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE SAFER COMMUNITIES  
SUB-COMMITTEE**

**17 July 2018**

Present: Councillor Reilly in the Chair

Councillors Davis, Moss, Jarvis, Jenns, Lewis, Phillips and M Stanley

Apologies for absence were received from Councillors L Dirveiks (substitute Councillor Phillips) and E Stanley (substitute Councillor Lewis).

Councillors Humphreys and Smith were also in attendance.

**1 Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor M Stanley declared a non-pecuniary interest in Minute No 7, North Warwickshire Community Safety Partnership Update, by reason of being a member of Polesworth Parish Council.

**2 Minutes of the Meeting of the Sub-Committee held on 13 March 2018**

The minutes of the meeting of the Sub-Committee held on 13 March 2018, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

**3 Fly Tipping Progress Report**

The Chief Executive provided Members with a progress report on the action plan for tackling fly tipping across the Borough.

**Resolved:**

**That the report be noted.**

**4 Progress Report on Achievement of Corporate Plan Targets – April 2017 – March 2018**

The Chief Executive informed Members of the progress with the achievement of the Corporate Plan targets relevant to the Sub-Committee for April 2017 to March 2018.

**Resolved:**

**a That the report be noted;**

- b That consideration to ensure that local crime and disorder problems and hot spots are reflected appropriately in the local infrastructure plans prepared for the Local Plan; and**
- c The Chief Executive write to Warwickshire Police to seek assurance regarding the recording of crime statistics.**

**7 North Warwickshire Community Safety Partnership Update**

The Chief Executive provided Members with an update on recent activities with the North Warwickshire Community Safety Partnership. The report also included information about the quarter four 2017/18 crime statistics and updates regarding actions in the partnership plan for 2017/18.

**Resolved:**

- a That the report be noted;**
- b That the progress with the preparations for a new CCTV scheme for Polesworth be noted, and the requests for assistance outlined in the report of the Chief Executive be endorsed; and**
- c The update on the granting of an injunction to forbid street cruising in North Warwickshire be noted.**

**8 Public Spaces Protection Order in Fillongley**

The Assistant Chief Executive and Solicitor to the Council asked Members to consider the results from consultation on a variation to the Public Spaces Protection Order (PSPO) and agree a variation to the order as set out in the report.

**Resolved:**

**That having considered the results from the consultation, a variation to the Public Spaces Protection Order, as set out in the report of the Assistant Chief Executive and Solicitor to the Council, be agreed.**

Councillor Reilly  
CHAIRMAN