

To all Members of the

COUNCIL

AGENDA

Notice is given that a Meeting of the Council is to be held
as follows:

VENUE: Council Chamber - Civic Office Floor 2, Civic Office,
Waterdale, Doncaster, DN1 3BU
DATE: Thursday, 26th November, 2015
TIME: 2.00 pm

Jo Miller
Chief Executive

BROADCASTING NOTICE

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Issued on: Wednesday, 18 November 2015

Senior Governance Officer
for this meeting:

David Taylor
01302 736712

ITEMS

1. Apologies for Absence
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting
3. Declarations of Interest, if any.
4. Minutes of the Council Meeting held on 24th September, 2015.
5. To receive any announcements from the Chair of Council, the Mayor, Members of the Cabinet or the Head of Paid Service.

A. Items where the Public and Press may not be excluded.

6. Questions from the public in accordance with Council Procedure Rule 13:-

(a) Question from Mr. T. Brown, 4 West Grove , Wheatley Hills, Doncaster, DN2 5NB, to the Mayor of Doncaster, Ros Jones:-

“Dear Mayor Jones,

Given the range of options at your disposal to implement cuts, why did you chose cuts for the most vulnerable first including:-

- Care homes for the elderly;
- People and children with learning disabilities;
- Reducing DMBC's Workforce to less than 1% Black/Asian;

And, do you agree that a Council with a moral compass would've provided vulnerable groups with respite from the cuts, by firstly addressing the 'rewards for failure culture' (referenced by recent inspections) and the 'fat cat salaries' within DMBC especially as you've just approved the recruitment of another £85,000+ Policy and Performance Officer when DMBC's budget and functions have shrunk?”

For Decision

7. Statement of Licensing Policy 2016 - Licensing Act 2003
8. Statement of Licensing Policy 2016 - Gambling Act 2005.
9. Revisions to the Council's Constitution

10. To consider the following Motion, written notice of which has been given by Councillor Rachel Hodson and Seconded by Councillor Rachael Blake, in accordance with Council Procedure Rule 16.1

To consider the following Motion, written notice of which has been given by Councillor Rachel Hodson and Seconded by Councillor Rachael Blake, in accordance with Council Procedure Rule 16.1:-

“This council calls upon the government to reverse its decision to cut tax credits, which is due to come into effect next year.

This council believes the Chancellor and the Prime Minister need to understand that reducing on average £1,300 a year from almost 20,000 working families here in Doncaster would be disastrous.

This council notes that the campaign to stop the tax credit cuts is gaining momentum. After constant warnings, and a humiliating defeat at the hands of peers in the House of Lords – who voted against the cuts – George Osborne has finally bowed to pressure to change his approach. But a promise to listen falls woefully short of what is needed.

This council believes taking money from our lowest paid families, who get up in the morning and work hard every day is utterly wrong. And, as is commonplace under this government, women in particular are bearing the brunt of their naïve policies. 85 per cent of the government's tax and benefit changes have fallen on women - they are disproportionately represented in low paid sectors such as care, retail and hospitality, and overall 70 per cent of the money saved by the Treasury will come from the pockets of working mothers.

For that reason, this council resolves to write to the Prime Minister, setting out our belief that working poverty is one of the biggest threats to our future well-being as a country, calling on him to reconsider this policy, and urging him to honour his previous promise not to cut the value of child tax credits.

	Number of working families claiming tax credits	Number of families with children claiming tax credits	Number of working families with children claiming tax credits	Number of children in working families receiving tax credits	% of families receiving tax credits	% of children in families receiving tax credits
Don Valley	5,300	6,100	4,300	8,100	51%	57%
Doncaster Central	7,500	8,800	6,100	10,900	64%	68%
Doncaster	7,000	8,400	5,600	10,600	64%	73%

11. To consider the following Motion, written notice of which has been given by Councillor Jane Nightingale and Seconded by Councillor Pat Haith, in accordance with Council Procedure Rule 16.1

“Earlier this year, the Conservative government announced that a compulsory Pay to Stay scheme would be introduced in England, forcing many low income social housing tenants to pay more rent for their homes and increasing the cost of living for thousands of families.

As well as making the current voluntary Pay to Stay scheme mandatory, the government is setting new, lower, income thresholds, so that more tenants are forced to pay higher rent. Families in social housing in Doncaster with two people earning just £15,000 each, will see their household bills go up.

Housing Association landlords will be allowed to retain any additional income raise through the scheme to reinvest in housing stock. However, all additional income raised by local authorities through increased rents will be taken by the exchequer ‘to contribute to deficit reduction’.

This Council believes it is wrong for the Chancellor to introduce a ‘Pay to Stay tax’ on hard working, low income families, in order to pay off the national debt created by wealthy bankers and financial institutions.

The government should not be forcing this additional cost on to people with low incomes who rent properties, to pay for the global crisis created by people who helped to push up house prices faster than wages.

This Council therefore calls on the Chancellor to reverse his plans to introduce a ‘Pay to Stay Tax’ on local authority tenants, and withdraw government policies, including Right to Buy, that will reduce the level of social housing in England.”

12. Questions by Elected Members in accordance with Council Procedure Rules 15.2 and 15.3

(i) Question on Notice to the Executive:-

None received for this meeting.

(ii) Questions without Notice to the Executive and the Chair of the Overview and Scrutiny Management Committee, Councillor John Mounsey.

13. Approval of Councillor Absence
14. To receive the Minutes of the following Joint Authorities
 - A. South Yorkshire Police and Crime Panel held on 11th September, 2015.
 - B. Sheffield City Region Combined Authority held on 14th September, 2015.
 - C. South Yorkshire Fire and Rescue Authority held on 21st September and 19th October, 2015 and Section 41 Briefing Notes for October and November, 2015.
 - D. South Yorkshire Pensions Authority held on 1st October, 2015.

For Information

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DONCASTER METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

24TH SEPTEMBER, 2015

A MEETING OF THE COUNCIL was held at the CIVIC OFFICE, WATERDALE, DONCASTER, on THURSDAY, 24TH SEPTEMBER, 2015 at 6.00 p.m.

PRESENT:

Chair - Councillor Paul Wray
Vice-Chair - Councillor David Nevett
Mayor - Ros Jones
Deputy Mayor - Councillor Glyn Jones

Councillors Nick Allen, Nigel Ball, Iris Beech, Joe Blackham, Rachael Blake, Elsie Butler, Phil Cole, John Cooke, Tony Corden, Jane Cox, Steve Cox, Linda Curran, George Derx, Susan Durant, Neil Gethin, Sean Gibbons, James Hart, John Healy, Rachel Hodson, Charlie Hogarth, Sandra Holland, Mark Houlbrook, Alan Jones, R. Allan Jones, Ken Keegan, Majid Khan, Jane Kidd, Pat Knight, Sue Knowles, John McHale, John Mounsey, Jane Nightingale, Andy Pickering, Cynthia Ransome, Kevin Rodgers, Craig Sahman, Dave Shaw, Alan Smith, Clive Stone, Austen White, Sue Wilkinson and Jonathan Wood.

APOLOGIES

Apologies for absence were received from the Councillors Bev Chapman, Jessie Credland, Nuala Fennelly, Pat Haith, Eva Hughes, Ted Kitchen, Chris McGuinness, Sue McGuinness, Bill Mordue and Tony Revill.

37. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

38. MINUTES OF THE COUNCIL MEETING HELD ON 30TH JULY, 2015

RESOLVED that the Minutes of the Council Meeting held on 30th July, 2015, a copy of which had been circulated to each Member, be approved as a correct record and signed by the Chair.

39. TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIR OF COUNCIL, THE MAYOR, MEMBERS OF THE CABINET OR THE HEAD OF THE PAID SERVICE

No announcements were made at the meeting.

40. QUESTIONS FROM THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

- A. Question from Mr. D. Wright, 15 Chantry Close, Cantley, Doncaster, DN4 6RX, to the Mayor of Doncaster, Ros Jones:-

“Doncaster Council's Constitution allows for 'Question Time' sessions for public questions at Council meetings.

Will the Mayor agree to change the Constitution to also allow 'Motions to Doncaster Council' sessions at Doncaster Council meetings? The procedures could be similar to the 'Question Time' sessions.

This will enable Doncaster residents to bring forward positive suggestions directly to the Mayor in front of Doncaster Councillors and to members of the public both in the Council Chamber and by the new audio visual recordings at home.”

The Mayor of Doncaster, Ros Jones, gave the following reply:-

“Thank you for your question Mr. Wright.

I should make clear from the start that any decision on whether to allow members of the public to submit Motions to Full Council meetings is not within my power as Mayor. Changes to the Council's Constitution rest with Full Council and are not within my remit.

I am certainly committed to open and transparent Local Government where members of the public are able to engage with their representatives. I am sure that my colleagues in the Chamber today feel the same.

There are of course numerous ways in which members of the public can currently raise issues in a public forum. Regular meetings of Full Council are held where members of the public can submit a question to the Mayor, any Cabinet Member or the Chair of a Regulatory Committee, in the way that you have done today. There are also opportunities to ask a question of myself and my Cabinet at our fortnightly Cabinet meetings.

In addition to these formal meetings, there are also a wide range of other opportunities for members of the public to ask questions or raise issues with me, either by arranging a one-to-one meeting at one of my monthly Meet the Mayor events, by email or in writing.

In addition, Overview and Scrutiny will accept representations from local residents. There is also provision in the Constitution that requires Council to consider and debate Petitions submitted by the public, should they receive sufficient levels of support.

I believe that the current arrangements are wide ranging and work well. I am happy to receive communications from the residents of Doncaster and help out whenever I can, and I know Ward Councillors are too.

My personal view, particularly given the existing wide ranging opportunities for public engagement, is that submitting Council Motions is a function that should remain the responsibility of elected representatives.

Members of the public can of course approach their Local Ward Members or indeed any Councillor, and ask them to consider putting forward a Motion to Full Council. I think that this would be the right approach to take. Once again, thank you for your suggestion.”

In accordance with Council Procedure Rule 13.10, Mr. Wright asked the Mayor, the following supplementary question:-

“This is an unsatisfactory arrangement. I have only been given the response to my question 10 minutes ago. The Council has had my question for 9 days so why can’t the response be provided sooner, such as by email. It is frustrating as there have only been 5 questions from members of the public this year. The whole system puts people off asking questions.

I don’t see why I have to go to my Ward Member to ask them to put forward a Motion to Full Council as there is no way that anyone will agree to do so. If you attend Cabinet meetings, you are not allowed to put forward a supplementary question, so there is no way forward. Democracy is poor in Doncaster?”

In response, the Mayor stated that:-

“I reiterate Mr. Wright, any decision whether to allow members of the public to submit Motions to Full Council meetings is not within my remit. However, I will ensure that the Elections and Democratic Structures Committee is made aware of the issue in case it wishes to consider the matter further.”

41. STATUTORY YOUTH JUSTICE PLAN 2015/16

The Council considered a report, presented by the Mayor of Doncaster, Ros Jones, which sought Members approval of a new statutory, strategic Youth Offending Service Plan (YOSP) for 2015-2016 for the Youth Offending Service (YOS).

It was reported that this was the first year that the YOS had presented the Youth Justice Plan (YJP) as part of the new Doncaster Children’s Services Trust. Since the plan had started its progress through the approval process within the Council, it had undergone one of the first full joint inspections by representatives from all the National Inspection units. The service was now better equipped to work with young people who entered the criminal justice system.

Members noted that Doncaster YOS now concentrated on managing the behaviour of young people who had entered the criminal justice system. Youth Justice had undergone many changes in the last few years and continued to do so. The inspection highlighted that Doncaster's work with Wetherby, particularly around accommodation and Employment, Training and Education, (ETE) was very good and well advanced. Doncaster was now part of the West and South Yorkshire Consortium which aimed to improve the custodial transitions for young people. The final Inspection report had not yet been received, but initial feedback had shown that there were some areas of weakness and development, particularly around the YOS Management Board and the strategic direction and support it gave. However, the Mayor was pleased to report that the service had shown itself to have staff who worked hard for the young people of Doncaster and provided good support and management.

It was also reported that the YJP identified areas which could be strengthened to provide a better service which included a better use of volunteers, work to further improve the safeguarding of young people and work to reduce the custodial rates in Doncaster for young people between 10 and 18 years old. Doncaster had performed well during the previous year; reducing the number of young people going to custody from 43 (2013/14) to 19 (2014/15) and that the indications so far this year showed that this number was now stable and was around national average.

The YOS was fully incorporated into Doncaster's Children's Trust. The Head of Service now reported directly to the Chief Operating Officer and plans were in hand to further develop the responsibilities of the role, introducing a new Prevention Team. This meant that the emphasis on delivery was now stronger in the area of risk and vulnerability management, and safeguarding of young people.

The report highlighted the areas where the YOS would face its biggest challenges. It outlined that even though the YOS budget had been slightly reduced from the last financial year, it was expected that further reductions were possible which would increase the difficulty faced by YOS to continue to meet the challenges around remand costs and young people sent to custody alongside additional non-core services not related to national indicators. Doncaster's performance against national indicators compared well with regional and national figures. The ETE figures had risen well during the year and the team had been highlighted as an area of good practice in the recent inspection. The YOS had a really strong 100% outturn for the provision of accommodation and the Doncaster re-offending rate remained below the national average for the fifth consecutive year.

The YOS continued to work closely with all its partners to ensure that public confidence continued to increase and young offenders were being effectively helped and managed. This had been enhanced by the work being undertaken with those young people subject to Police cautions and conditional cautions.

In conclusion, the Mayor stated that the YOS in Doncaster provided a good solid service to the community, and this plan ensured the Council had the tools to develop an even better one. The plan identified a number of areas for improved delivery and that sustainable Action Plans had been developed to address these issues. All these plans were incorporated into a number of Doncaster's Strategic Plans and some of the areas for improvement were already being addressed, and plans were in hand to address the others.

A copy of the Cabinet's Decision Record from its meeting on 8th September, 2015, had been circulated to all Members prior to the meeting.

Following the presentation of the report, Members were afforded the opportunity to comment on the plan.

RESOLVED that the Statutory Youth Justice Plan 2015-16, be approved.

42. SHEFFIELD CITY REGION DEVOLUTION DEAL UPDATE

The Council received a report, presented by the Mayor of Doncaster, Ros Jones, which provided an update on the Sheffield City Region (SCR) Devolution Deal submitted to Government.

It was reported on the 21st July, 2015, the Chancellor announced that City Regions that wished to agree a devolution deal in return for a Mayor by the spending review, would need to submit formal, fiscally-neutral proposals and an agreed geography to the Treasury by 4th September, 2015. The SCR submitted its devolution proposal, a copy of which was appended to the report, in response to this deadline. The devolution proposal contained thirty 'asks' across the following six themes:-

- An integrated 21st Century Transport Network;
- A world leading area for innovation, advanced manufacturing and business growth;
- More people learning, earning, in Apprenticeships and higher skilled employment;
- Better use of publicly owned assets;
- A stable, long-term financial settlement that puts SCR in control of its own destiny; and
- Greater accountability of national programmes to the city region

Members noted that the deal represented a significant opportunity to take more control locally for decisions that affected the economy. Negotiations with Government were ongoing, but Doncaster was heavily involved and was driving the agenda for skills and revised governance. Whilst the Mayor and City Region Leaders believed that the current City Region governance structures were appropriate for delivering the devolution deal, the Government was clear that without a City Region Mayor, additional devolved powers and funding would not be possible.

In conclusion, it was noted that negotiations would inform and shape the governance arrangements supporting the deal, and that an announcement was expected as part of the Autumn Statement, set for 25th November, 2015.

Following the presentation of the report, Members were afforded the opportunity to comment on the report.

RESOLVED that

- (1) the Sheffield City Region devolution submission be noted; and
- (2) the involvement of the Chief Executive, Mayor of Doncaster and Senior Officers in the negotiation of devolution “asks” with Government, be noted.

43. APPOINTMENT OF A MEMBER AND VICE-CHAIR TO THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

The Council considered a report which sought the appointment for a replacement Member and Vice-Chair to serve on the Overview and Scrutiny Management Committee as a consequence of the former Vice-Chair, Councillor Nightingale, being appointed as a Cabinet Member.

Following the presentation of the report, Members were afforded the opportunity to comment on the report.

Subsequently, upon seeking a nomination, Councillor Charlie Hogarth was nominated to serve on the Overview and Scrutiny Management Committee as a replacement for Councillor Jane Nightingale.

On being put to the meeting, the Motion to appoint Councillor Charlie Hogarth to serve on the Overview and Scrutiny Management Committee for the remaining 2015/16 Municipal Year, was declared CARRIED.

The following nominations were then proposed for the appointment of Vice-Chair of the Overview and Scrutiny Management Committee:-

Nominations

Councillor Charlie Hogarth
Councillor R. Allan Jones

In accordance with Council Procedure Rule 21.6, the two nominations were put to the meeting in alphabetical order of surname, the result of the vote being as follows:-

For Councillor Charlie Hogarth - 34

For Councillor R. Allan Jones - 11

On being put to the meeting, the Motion to appoint Councillor Charlie Hogarth as Vice-Chair of the Overview and Scrutiny Management Committee for the remaining 2015/16 Municipal Year, was declared CARRIED.

In addition, it was Moved and Seconded that Councillor Charlie Hogarth be removed from the Regeneration and Housing Overview and Scrutiny Panel and be replaced by Councillor Susan Knowles.

On being put to the meeting, the Motion to appoint Councillor Susan Knowles on the Regeneration and Housing Overview and Scrutiny Panel, to replace Councillor Charlie Hogarth, was declared CARRIED.

RESOLVED that

- (1) Councillor Charlie Hogarth be appointed to serve on the Overview and Scrutiny Management Committee for the remaining 2015/16 Municipal Year;
- (2) Councillor Charlie Hogarth be appointed as Vice-Chair of the Overview and Scrutiny Management Committee for the remaining 2015/16 Municipal Year; and
- (3) Councillor Susan Knowles be appointed to the Regeneration and Housing Overview and Scrutiny Panel, to replace Councillor Charlie Hogarth.

44. AUDIO VISUAL RECORDING OF COUNCIL MEETINGS – UPDATE REPORT
(Minute No. 21 - 22nd May, 2015)

Further to the above Minute, the Council considered a report which provided an update on arrangements for the audio visual recording of future Council meetings.

It was reported that at its meeting on 22nd May, 2015, Council agreed to progress with arrangements for the audio visual recording of Council meetings. Following this meeting, further discussions had taken place with the current provider of the Council's Chamber Voting and Conference system regarding installation of the equipment, and training to meet the Council's requirements. Following consideration being given to the process of publishing the recordings once they had been captured digitally, it appeared that the most cost effective option was to publish the recordings on the Council's Website and upload the recordings onto the Council's YouTube Channel.

The report pointed out that recordings would be published without any editing to reflect a true record of the meeting, but there could be occasions where editing was required; an example of which being if exempt information was inadvertently released.

It was noted that once the equipment had been procured and installed, training would be undertaken by Officers on the use of the equipment and the process for downloading recordings to the YouTube Channel. Liaison would also take place with Political Groups prior to implementation, to enable them to consider issues around conduct and the implications of being filmed.

In conclusion, it was anticipated that the necessary arrangements would be in place for the Council meeting scheduled on 26th November.

Following the presentation of the report, Members were afforded the opportunity to comment on the report.

Councillor Jonathan Wood suggested that Council Procedure Rules be amended to allow public questions to be read out at the meeting rather than being taken as read, which would enable any citizens of Doncaster who wished to view proceedings, to hear the question which had been submitted.

RESOLVED that

- (1) the current position in respect of arrangements for the audio visual recording of Council meetings, be noted; and
- (2) the implementation date of 24th November, 2015, for the audio visual recording of future Council meetings, be noted.

45. TO CONSIDER THE FOLLOWING MOTION, WRITTEN NOTICE OF WHICH HAS BEEN GIVEN BY COUNCILLOR JAMES HART AND SECONDED BY COUNCILLOR NICK ALLEN, IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 16.1

In accordance with Council Procedure Rule 16.1, a Motion was submitted by Councillor James Hart and Seconded by Councillor Nick Allen:-

“The Highways England Pinch Point Programme was first outlined in the 2011 Autumn Statement with a budget of £200 million and expanded by a further £100 million in the 2012 Autumn Statement. This programme addressed 19 pinch points across Yorkshire and the North East which required improvement to keep traffic flowing through the road network. Most of these projects have been completed successfully. However, the A1(M) in South Yorkshire remains untouched other than minor improvements to Junction 36.

This Council calls upon the Chancellor of the Exchequer and Highways England to include improvements to the A1(M) in South Yorkshire in the 2015 Autumn Statement and this council will give cross-party commitment to lobby for improvements to this vital transport artery at all appropriate opportunities.”

The Chair afforded all Members in the Chamber, the opportunity to speak on the Motion.

A vote was taken on the Motion proposed by Councillor James Hart, which was declared as follows:-

For - 46

Against - 0

Abstentions - 0

On being put to the meeting, the Motion was declared CARRIED.

RESOLVED that the Highways England Pinch Point Programme was first outlined in the 2011 Autumn Statement with a budget of £200 million and expanded by a further £100 million in the 2012 Autumn Statement. This programme addressed 19 pinch points across Yorkshire and the North East which required improvement to keep traffic flowing through the road network. Most of these projects have been completed successfully. However, the A1(M) in South Yorkshire remains untouched other than minor improvements to Junction 36.

This Council calls upon the Chancellor of the Exchequer and Highways England to include improvements to the A1(M) in South Yorkshire in the 2015 Autumn Statement and this council will give cross-party commitment to lobby for improvements to this vital transport artery at all appropriate opportunities.

46. TO CONSIDER THE FOLLOWING MOTION, WRITTEN NOTICE OF WHICH HAS BEEN GIVEN BY COUNCILLOR JANE NIGHTINGALE AND SECONDED BY COUNCILLOR PAT KNIGHT, IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 16.1

In accordance with Council Procedure Rule 16.1, a Motion was submitted by Councillor Jane Nightingale and Seconded by Councillor Pat Knight:-

“In July this year, the Chancellor announced a change to the rent formula which will apply to all social housing rents, including affordable and social rents. This follows a 60 per cent cut in the affordable housing grant implemented during the previous coalition Government.

The Office for Budget Responsibility has suggested that around 14,000 fewer ‘affordable homes’ will be built as a result of the change in the rent regime.

At a time when more affordable housing is required in Doncaster and across the country, this Council believes the Government's action represents a backwards step in achieving the right balance of housing provision needed to support local residents."

The Chair afforded all Members in the Chamber, the opportunity to speak on the Motion.

An amendment to the Motion was Moved by Councillor Phil Cole and Seconded by Councillor Kevin Rodgers, in that the Motion be amended to read as follows:-

"In July this year, the Chancellor announced a change to the rent formula which will apply to all social housing rents, including affordable and social rents. This follows a 60 per cent cut in the affordable housing grant implemented during the previous coalition Government.

The Office for Budget Responsibility has suggested that around 14,000 fewer 'affordable homes' will be built as a result of the change in the rent regime.

At a time when more affordable housing is required in Doncaster and across the country, this Council believes the Government's actions represents a backwards step in achieving the right balance of housing provision needed to support local residents.

This Council therefore calls on the Government to provide additional funding for affordable housing so that new homes can be built to meet local and national demand."

On being put to the meeting, the amendment to the Motion proposed by Councillor Phil Cole was declared CARRIED.

The Chair afforded all Members in the Chamber, the opportunity to speak on the Substantive Motion.

An amendment to the Substantive Motion was Moved by Councillor John Cooke and Seconded by Councillor Sean Gibbons, in that the penultimate paragraph be amended to read as follows:-

"At a time when more social and affordable housing is required in Doncaster, and across the country, this Council believes the Government's actions represents a backwards step in achieving the right balance of housing provision needed to support local residents."

A vote was taken on the amendment proposed by Councillor John Cooke, which was declared as follows:-

For - 37

Against - 8

Abstain - 0

On being put to the meeting, the amendment to the Substantive Motion proposed by Councillor John Cooke was declared CARRIED.

A vote was then taken on the Substantive Motion proposed by Councillor Jane Nightingale, which was declared as follows:-

For - 37

Against - 8

Abstain - 0

On being put to the meeting, the Substantive Motion was declared CARRIED.

RESOLVED that in July this year, the Chancellor announced a change to the rent formula which will apply to all social housing rents, including affordable and social rents. This follows a 60 per cent cut in the affordable housing grant implemented during the previous coalition Government.

The Office for Budget Responsibility has suggested that around 14,000 fewer 'affordable homes' will be built as a result of the change in the rent regime.

At a time when more social and affordable housing is required in Doncaster and across the country, this Council believes the Government's actions represent a backwards step in achieving the right balance of housing provision needed to support local residents.

This Council therefore calls on the Government to provide additional funding for affordable housing so that new homes can be built to meet local and national demand.

47. QUESTIONS BY ELECTED MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 15.2 AND 15.3

A. Questions on Notice

No questions on Notice from Elected Members, had been received for this meeting.

B. Questions Without Notice

In accordance with Council Procedure Rule 15.2, the Chair accepted the following questions from Elected Members during 'Question Time':-

A. Questions to Ros Jones, Mayor of Doncaster

Q. Councillor R. Allan Jones asked the Mayor of Doncaster, Ros Jones:-

“We are all told we should not believe what we read in the press. It is therefore disappointing to read in the Free Press of the proposal to build a Sixth Form at Hayfield. Is this true. Having discussed the Sixth Form review with the appropriate Officer, I am still awaiting a copy of the report?”

A. The Mayor gave the following response:-

“Thank you for your question. I have to say that I was surprised and disappointed to learn about the proposals for New College Doncaster to locate next to Hayfield School. The Council was given no advance warning of the announcement and neither New College Doncaster nor Hayfield School, has worked with the Council regarding this proposal.

It is certainly true to say that Sixth Form provision in Doncaster needs to be addressed, as currently the number and range of providers does not offer the best possible opportunities for our young people.

I am not personally in favour of the government’s Free School Policy. However, I understand that this application was approved, and if there is to be a new Sixth Form College in Doncaster, then in my view, it should be done in a way that improves Sixth Form provision in our Borough. I would also welcome significant new investment in our Sixth Form provision and I would hope that the providers work collaboratively in the best interests of young people across Doncaster.

The original business case for New College Doncaster was that it would be based in central Doncaster. Given that the College is aiming to open its doors to 1200 students in September 2017, this would seem to be the most appropriate location. Everyone in this Chamber will recognise that the Finningley and Auckley area is not, by any stretch of the imagination, in central Doncaster.

Locating a sixth form there will not be of benefit to young people in many parts of Doncaster. The Council has offered to work with the College to identify a Town Centre site that is near the main Transport Interchange and therefore, much more easily accessible to all communities in Doncaster.

I understand that parents at Hayfield School were not consulted on the proposals and many will understandably be upset at the lack of engagement with them to date. What is certain is that I firmly and clearly position myself on the side of young people, parents and the improvement of Sixth Form provision in Doncaster.

I am not yet confident that these proposals achieve those aims. We have raised our concerns directly with New College Doncaster, and a meeting has been arranged with senior officers and the College. I will of course keep Members up to date with any developments.”

Q. Councillor Rachel Hodson asked the Mayor of Doncaster, Ros Jones:-

“Will the Mayor agree with me that the Government’s Trade Union Bill is unfair, unnecessary and undemocratic, and instead is purely a political plot by the Tories to undermine the rights of British workers, including those here in Doncaster, by using agency workers to replace those on strike, imposing unattainable thresholds for strike ballots in the public sector, and by removing the means of deducting Trade Union subscriptions from salaries.

And, will the Mayor write to the Secretary of the State to say exactly what she thinks of this assault on worker’s rights and the Trade Unions that represent them. Will she explain why the current legislation including the deduction of subscriptions from source by the Council, is conducive to good working relations between public sector employers and Trade Unions?”

A. The Mayor gave the following response:-

“The Trade Union Bill is clearly an assault on Trade Unions and workers’ rights. The new plans include criminalising picketing and permitting employers to hire strike-breaking agency staff. They go far wider than the original concept that strikes should be unlawful unless 50% of those being asked to strike vote in the ballot.

Now up to 3.8 million public sector workers will also lose the right to have their subscriptions automatically deducted from their pay cheques. Conservative MP Matt Hancock, the Cabinet Office Minister, says this is as a key step in modernising the relationship with Trade Unions and saving on administrative fees. That is nonsense. It is simply an unnecessary attack.

Doncaster Council already processes numerous other payroll deductions and the cost of checking off Trade Union subscriptions is minimal. As far as I am concerned, Doncaster Council will continue to offer the service unless the Government make it illegal.

Contrary to what the Conservative Government would have people believe, Trade Unions are a good thing. They were set up to protect employees and that need is still relevant today. Good employers are not scared of Trade Unions, they value them and work with them.

This Conservative Government should stop attacking Trade Unions and workers' rights. We still have significant issues to deal with as a country. Stopping payroll deductions for union fees is a silly and petty policy. It is not what the Government should be wasting its time on when there are real national and international issues to be grappled with, so yes, I will write to the Secretary of State."

Q. Councillor Phil Cole asked the Mayor of Doncaster, Ros Jones:-

"Many in the Chamber today will have been moved by the tragic events and the humanitarian crisis that has arisen as a result of the brutal war in Syria. A disaster that has created 4 million refugees in neighbouring countries and a further 6 million people internally displaced within Syria.

The crisis has placed unprecedented amounts of United Nations refugee camps on the borders of Lebanon, Turkey and Jordan; the largest of which was visited by Councillor Hodson to meet aid workers. People there are fleeing violence, but often ending up at the mercy of people smugglers using overcrowded and unseaworthy ships and boats, with the tragic consequences that follow.

The Government has acted too slowly in response to the crisis and only after significant public pressure and therefore, I welcome the commitment that Doncaster has made that it should play its part supporting people fleeing violence and danger that are almost unimaginable to most of us here today.

Can Mayor Jones please advise the Council on the latest position and update Members on the support that will be provided to help those less fortunate than ourselves?"

A. The Mayor gave the following response:-

“Thank you for your question and I wholeheartedly agree. No one can fail to be moved by the desperate plight of the refugees and we will work with the Government to support the relocation of refugee families. This is an immense international humanitarian crisis that must be addressed.

Doncaster has a long tradition of giving shelter to and supporting people fleeing persecution in their homeland and we have successfully delivered programmes to settle asylum seekers and refugees. We will draw on our considerable experience in this area of work and take steps to ensure that people who settle in Doncaster can do so discreetly and in a way that enables them to prosper and contribute to life in the Borough.

But let me dispel myths put out by some people. The reality is that Doncaster’s share of the burden in terms of supporting refugees in relation to the current crisis is relatively small. It is likely to be less than ten families. I expect the families to be housed in private sector properties. Placement of people will take account of availability of accommodation as well any relevant community issues.

With regard to funding, this is one of the areas we await detail upon from the Government, but it is stated that it will be funded out of the Overseas Aid budget and cover health and school costs. There will also be money to provide housing management/support for up to one year. Again, details are to be confirmed, but I assume it will be based on the financial package in the existing schemes that have been running for several years to take refugees from troubled locations across the world including Syria.

I do believe that the Government could have done more and acted more quickly. The approach to this current initiative will not differ in that refugees are referred by international refugee agencies, who identify legitimate refugees from the camps. These typically include vulnerable groups such as women and children, those with medical needs and survivors of violence and torture. Those who qualify are then considered by immigration officials, who conduct additional screening on security, medical and other grounds.

I know that some people have expressed concern about issues such as homelessness in Doncaster and support for existing residents. I would like to assure everyone that we already have extensive programmes to deal with these issues.

Of course, taking in refugees is not the only answer. The Government must do what it can as part of a wider programme.

Amongst the often negative coverage about migration in some parts of the media, it can be all too easy to forget about the human impact of civil war. I think in many ways the answer is quite simple. Thousands, indeed millions of people face a perilous future. Many have seen family members killed, faced violence and enormous personal loss. Placed in the same situation, I have no doubt that most of us would act on our natural instinct, sweep up our children and try to take them to a place of safety. In doing so, we would hope there were other people that would reach out a hand of friendship.

Despite the issues we face in Doncaster, we are still in a position to offer that support. It will not be a burden on our Borough, we will not be using social housing and I am proud that Doncaster will be able to provide support to people in crisis, during their hour of need.”

Q. Councillor Cynthia Ransome asked the Mayor of Doncaster, Ros Jones:-

“I am pleased to read in the papers about the second Enterprise Zone bid. You are of course endorsing Conservative Government policy, but dressing it up as your own as you do with the apprenticeship scheme. My question is, how many jobs do you anticipate that you will bring to the North?”

A. The Mayor gave the following response:-

“I am interested in Doncaster not the whole of the North and the jobs I am bringing are actually coming forward as you actually look at the number of people that are not claiming job seeker allowances.

The number of apprenticeships that I put in my manifesto has actually been exceeded now, which I am delighted about because this is about getting young people into work, and you know what, Enterprise Zones, whilst ever they are there and I can actually create employment for the people of Doncaster, then I will. Whatever the Government provides, I will use to bring jobs to this Borough and to this Town. I hope the Enterprise Zone is successful and I hope you lobby for it because it will help people in the North of Doncaster. Thank you for your question.”

B. Questions to the Deputy Mayor, Councillor Glyn Jones, Cabinet Member for Adult Social Care and Equalities

Q. Councillor Jonathan Wood asked the Deputy Mayor, Councillor Glyn Jones:-

“I have got the list of responsibilities here in case Councillor Cole is interested; for his benefit, Councillor Jones is the Cabinet Portfolio Holder for Adult Social Care and Equalities and my question directly relates to equalities in terms of the election of the new Labour Party Leader. Interestingly enough, here are the Council endorsements for Mr. Corbyn and the thing is, not a single Member in the Cabinet including the Mayor or the Deputy Mayor, endorsed Mr. Corbyn; it was only 3 Members. I know who they are; they are all in here.

So the question on equalities is, are you going to sign up to Mr Corbyn’s manifesto with regard to unrestricted issues such as immigration of refugees with no limits and are you also going to think about making sure we treat Service people the same, particularly our returning veterans and things of this nature.

At the end of the day, what we have got is a national Leader of the Labour Party who seems very much at odds with the statements you have made in this Chamber in the past. So are you going to support him or not?”

A. The Deputy Mayor gave the following response:-

“The Leader of the Labour Party will be supported as a body because it’s not just one man who is the epitome of the Labour Party. We are all part of the Labour Party; it may not be the case in the Conservative Party, but it is certainly the case in the Labour Party.

As you have touched on migration particularly the elements of Syria, I can expand on what the Mayor has said and I wholly endorse what the Mayor has said. I attended the Migration Yorkshire Strategic Migration Group meeting yesterday in Leeds where the principal agenda item was Syrian refugees. In attendance at Migration Yorkshire were colleagues who represented Doncaster, Leeds, Kirklees, Barnsley, Wakefield, North Yorkshire, the Department of Work and Pensions, G4S, Migrant Help, and there were 3 Home Office Officials. That meeting is chaired by Councillor Olivia Rowley who is the Cabinet Lead Member for Children, Young People and Schools in Wakefield.

In short, there is no further information on refugees and the Home Office response was that there is an ongoing negotiation between the Home Office and the Treasury about funding, and that rests with Ministers. Equally, it was stressed that there was no timescale for a decision. Everyone in that meeting does recognise the urgency that is required. Every Local Authority in the region has been contacted about accepting refugees and each has responded positively, but it all comes down to the details. Every Councillor in the room said that there can be no movements until the detail is available about the programme. That's for the Conservative Government and Ministers to sort that out. I will leave it at that."

In accordance with Council Procedure Rule 15.7, Councillor Jonathan Wood asked the Deputy Mayor the following supplementary question:-

Q. "I appreciate the Deputy Mayor's response; it goes without saying we all stand behind even Councillor Cole's comments today and Mayor Jones' statement on supporting refugees. My question is not about refugees, it was about your commitment personally for your support for Mr. Corbyn. The bottom line is, you did not sign up to his manifesto. Why not; if you are telling us that you believe so much in what he does?"

A. The Deputy Mayor gave the following response:-

"We all live in a democracy in this country and I am glad to say everybody has the right to determine that democracy for themselves. I don't have to support anybody; I can support who I want and my support was given during the hustings during the election campaign. It's laid down on record who I supported, but I will support the Leader of the Labour Party because as I reiterated earlier, we are a body of people. It's going to be a wave across this country that will frighten many of the opposition."

Q. Councillor Cynthia Ransome asked the Deputy Mayor, Councillor Glyn Jones:-

"You are quoted on the intranet and newspaper, and today's minutes, page number 18, regarding the old peoples Residential Homes we never meant to close.

October 2013; TV news, Doncaster Council Care Homes to close. The residents were having their breakfast. This was the first that they had heard that they were to lose their homes.

October 2013; bed blocking in all of Council run Homes, a loss of £1.7 million.

October/November 2013; Steve Williams, an expensive outside consultant who told relatives, it's my job to close Homes, that's what I do'. Chief Executive, the Mayor and Chair of Scrutiny visit Homes and tell residents and relatives they will close.

November 2013; budget, we all vote, all Labour Councillors vote to close Homes to save £1.93 million. Members did nothing.

At what point did you all never meant to close the Homes or was it the 18 months later when an election was looming?"

A. The Deputy Mayor gave the following response:-

"Thank you for the question. I will reiterate what I have said previously and that is, we did consult, we took into account what came out of consultation process and we reached a decision; a decision I have got to say which was acceptable across the Chamber as a whole. If you are going to say we are going to close Homes 'willy-nilly' that's up to you; it certainly was not the case from our side. We did consult, we did listen, we did evaluate and we came up with a solution which was acceptable to everybody."

In accordance with Council Procedure Rule 15.7, Cynthia Ransome asked the Deputy Mayor the following supplementary question:-

Q. "Why not privatise the Homes 2 years earlier instead of putting all these relatives and everyone, costing all this money, through all this suffering?"

A. The Deputy Mayor gave the following response:-

"Quite simply, we did not have that information to hand. We did not have the consultation process; we needed to go through that consultation process to reach a decision with the evidence that was provided. That's what we did. You may not be happy with it Councillor Ransome, but that's what we did."

C. Questions to Councillor Joe Blackham, Cabinet Member for Regeneration and Transportation

Q. Councillor Jonathan Wood asked Councillor Joe Blackham:-

"I am addressing this question to Councillor Blackham as Portfolio Holder for Regeneration which involves the Development Section of the Local Authority. Early this week, I received a very worrying email from a constituent of mine who found themselves in a position where it appears that the Council has working within its Department, Consultants; these are employees of the Council who also run consultancy businesses.

It's a detailed planning question, but I don't want to give too much away or go into too much detail.

We have an employee sat at a desk to deliver a Council function and at 5.00 p.m., when they log-off, they are then employed as Agents or are representing themselves as Agents.

My question is simple. This is a complete conflict of interest. Where the Council seemed to be making a decision that was going to lead to one thing and when this Consultant was employed to work as an employee of the Council, the decision has now changed from the 'left hand' to the 'right hand'.

I know you don't have the details, but you can speak to the Monitoring Officer and the Chief Executive who have received this complaint. Is it standard practice at this Authority not just in your Department, but in other Departments throughout the Authority, to have Consultants who are employees of the Council who have access that others do not have. It is disgraceful that we may have a position where an employee can lobby other employees who sit on a desk next to them. Is that where we are at this Authority?"

A. Councillor Joe Blackham gave the following response:-

"Thank you for your question, but I have no knowledge of the issue you have raised. I can assure you that now it has been brought to my attention, there will be an investigation and you will receive the information in relation to this which will be factual. I don't know if there is any substance at all in relation to the suggestion you are making. However, as I have said, I will investigate and ensure that a briefing note is sent to all Councillors and that clarity is given within that briefing note, as to what this Local Authority's policy is in relation to employees of the Authority who are working as Consultants of this Authority. From my personal stand point, it is totally unacceptable."

In accordance with Council Procedure Rule 15.7, Councillor Jonathan Wood asked Councillor Joe Blackham the following supplementary question:-

Q. "Thank you for your response and you have already answered my supplementary question which was that it is unacceptable for a Local Politician; a Councillor, to be able to lobby internally due to the internal access we have and I'd hope he would endorse it is not right that employees can sell their access as Consultants or Agents acting for other people?"

Councillor Blackham indicated that he did not wish to respond.

D. Questions to Councillor Tony Corden, Cabinet Member for Customer, Corporate and Trading Services

Q. Councillor Cynthia Ransome Wood asked Councillor Tony Corden:-

“I am not sure if the issue is within your remit; it’s about the Complaints Procedure. The Complaints Procedure in my own and our constituents experience is ineffectual. They delay, confuse then lose. Do you have any plans to rectify these omissions?”

A. Councillor Tony Corden gave the following response:-

“I am not quite sure what you are talking about. I cannot provide an answer on a specific complaint that you may have, but I can deal with the issue you are raising if you wish to write to me, but as I said, I am not quite sure of what your question is?”

In accordance with Council Procedure Rule 15.7, Cynthia Ransome Wood asked Councillor Tony Corden the following supplementary question:-

Q. “Overview and Scrutiny have had a recent paper brought to them by Childrens Services regarding the Complaints Procedure. I have my actual complaint as well, but I also have a complaint with our Complaints Procedure. As it’s in your remit, I don’t know if you have had a chance to look at it to identify anything or if you have had anything brought to your attention, but in my opinion, it wants an overhaul?”

A. Councillor Tony Corden gave the following response:-

“No, I have not had the opportunity to look at the issue, but I will do so and will get back to you. I will also take up the issue you have raised regarding the Complaints Procedure?”

Councillor Rachel Hodson indicated that she wished to clarify the issue under discussion and subsequently gave the following response:-

A. “The paper (report) which went to the Children and Young Peoples Overview and Scrutiny Panel was presented by the Childrens Trust and it was their Complaints Procedure which the whole report related to. Until recently, the Complaints Procedure even for the Social Care side did still remain with Doncaster Council, but it is now wholly with the Childrens Trust and it would be up to the Trust to alter the Complaints Procedure and would not be affected by the Council.”

E. Questions to Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools

In the absence of Councillor Nuala Fennelly, Cabinet Member for Children, Young People and Schools, the Chair of Council informed Members that any questions for Councillor Fennelly should be submitted in writing to the Executive Office after this meeting and that the Cabinet Member would respond accordingly.

F. Questions to Councillor Pat Knight, Cabinet Member for Public Health and Wellbeing

No questions were put to Councillor Pat Knight, Cabinet Member for Public Health and Wellbeing.

G. Questions to Councillor Chris McGuinness, Cabinet Member for Communities, Voluntary Sector and the Environment

In the absence of Councillor Chris McGuinness, Cabinet Member for Communities, Voluntary Sector and the Environment, the Chair of Council informed Members that any questions for Councillor McGuinness should be submitted in writing to the Executive Office after this meeting and that the Cabinet Member would respond accordingly.

H. Questions to Councillor Bill Mordue, Cabinet Member for Business, Skills, Tourism and Culture

In the absence of Councillor Bill Mordue, Cabinet Member for Business, Skills, Tourism and Culture, the Chair of Council informed Members that any questions for Councillor Mordue should be submitted in writing to the Executive Office after this meeting and that the Cabinet Member would respond accordingly.

I. Questions to Councillor Jane Nightingale, Cabinet Member for Housing

No questions were put to Councillor Jane Nightingale, Cabinet Member for Housing.

J. Questions to Councillor John Mounsey, Chair of the Overview and Scrutiny Management Committee

Q. Councillor James Hart asked Councillor John Mounsey:-

“I was just doing some forward planning in my diary. I was looking at the Overview and Scrutiny work programme for the Panels and it came to my attention that the Regeneration and Housing Overview and Scrutiny Panel does not have any defined dates for its meetings which makes it really difficult for Members to come in and sit down, and plan to come in to see what that Panel is doing. Can you update us on the position please?”

- A. Councillor John Mounsey gave the following response:-

“Thank you Councillor Hart for your question. I do believe the right person to answer your question is the Chair of that Panel, Councillor Craig Sahman. Craig, the floor is yours.”

- A. Councillor Craig Sahman gave the following response:-

“Thanks John, I have just sat down with Officers today to discuss dates. The problem is with the work plan we have got this year. As there are a lot of different people from outside bodies, we are trying to amalgamate all dates, but the dates will be circulated to Members either by the end of this week or early next week. Meetings will be held in October, November, December and January in relation to the work plan of the Panel. I hope that helps.”

48. MINUTES OF THE JOINT AUTHORITIES

RESOLVED that the Minutes and Briefing Notes of the following Joint Authorities, be noted:-

- A. Sheffield City Region Combined Authority held on 22nd June and 3rd August, 2015.
- B. South Yorkshire Fire and Rescue Authority held on 27th July, 2015 and Section 41 Briefing Notes for August and September, 2015.

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26th November 2015

To the Chair and Members of the Council

STATEMENT OF LICENSING POLICY 2016 – LICENSING ACT 2003

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Christopher McGuinness	All	K1294

EXECUTIVE SUMMARY

1. The purpose of this report is to request that members of the Council consider the Statement of Licensing Policy 2016 (Licensing Act 2003) following its quinquennial review. The route and timetable for adoption is attached as Appendix A.

RECOMMENDATIONS

2. It is recommended that the members of the Council approve the reviewed Statement of Policy – Licensing Act 2003 and, following consideration of the responses received during the consultation and the resolutions by the Licensing Committee and Cabinet - 15th October 2015 and 3rd November respectively, resolve that the Policy be adopted with the inclusion of the following points:-
 - i. Agree to the continuation of the existing Cumulative Impact Zone in Doncaster Town Centre (Bradford Row, Hall Gate, High Street, Priory Walk and Silver Street), with the inclusion of additional areas of Market Place and Cleveland Street and that the policy should apply to all licensed premises;
 - ii. Agree to the implementation of a new Cumulative Impact Zone for all licensed premises in a specified area of the Wheatley Ward to include Nether Hall Road, Copley Road, Christ Church Road, Broxholme Lane and Highfield Road.
 - iii. Agree to the implementation of a new Cumulative Impact Zone in Bawtry for all licensed premises in the areas of Market Place, High Street, Swan Street, Church Street, Scot Lane, Wharf Street and Grasswood Lane/Dower House Square with the intention to review the adoption of this in 2 years' time.

References to 'all licensed premises' refers to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on and off the premises, and the provision of late night refreshment.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council is required by the Licensing Act 2003 to produce a Statement of Licensing Policy and to review its Policy quinquennially. This is the fourth Statement of Policy produced by Doncaster Council, under the Licensing Act 2003, which will set out the basis for all relevant licensing decisions to be taken by the Authority over the next five years.

EXEMPT REPORT

4. There are no confidential issues.

BACKGROUND

5. One of the key functions of the Council, in its capacity as the Licensing Authority, is to prepare and publish a Statement of Licensing Policy which sets out the basis upon which the Authority will make its licensing decisions in relation to the following licensable activities:
 - The sale by retail and/or supply of alcohol;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.
6. The duty to do this is contained within Section 5 Licensing Act 2003 which also provides for the Licensing Authority to keep its Policy Statement under review generally and to determine its Policy at least every 5 years, including undertaking a period of statutory consultation. The existing five year period began on 7th January 2011 and the revised Licensing Policy will replace the current policy on 7th January 2016.
7. In the interim the licensing service have compared the re-issued Home Office Guidance, made under Section 182 of the Act, with our existing policy statement and has made amendments to reflect the new statutory guidance and other legislative changes. These changes have now been incorporated into the revised policy statement.
8. The licensing service has endeavored to create a policy document that is functional and has taken the opportunity to strip out non-policy information and guidance. It is the intention to create a separate Local Licensing Guidance document, to supplement the statutory policy statement, which will contain practical guidance for licence holders and assist local residents or other interested people who may make a representation against an application.
9. There are four licensing objectives set out in the Act and these must be addressed within the Authority's Statutory of Licensing Policy, namely:-
 - i. Prevention of crime and disorder;
 - ii. Public safety;
 - iii. Prevention of public nuisance;
 - iv. Protection of children from harm.

10. The Policy sets out, with reference to these four objectives, the steps that need to be taken by applicants to address these issues. It also sets out how the Licensing Committee will conduct hearings for applications that cannot be resolved. The delegation of duties to the Licensing Committee is prescribed within the Act and members of that Committee and any Sub Committee will have to have a detailed knowledge of the Policy and its implications for applicants. Decisions of the relevant committees must state how decisions have been made and how the relevant parts of the Policy have been used to make that decision.
11. Before determining its policy the Act places a duty on the Authority to consult with prescribed persons. This consultation has taken place and four relevant responses have been received. The responses and suggested actions are attached and /or summarised in Appendix B.
12. A summary of the main changes is at Appendix C with the proposed Policy is at Appendix D.
13. During the consultation the Licensing Authority received applications from the Police, Public Health and Bawtry Town Council asking the Licensing Authority to consider extending the existing and introducing further Cumulative impact Zones. Details of the applications are at Appendix B and B1 to B4. It is a legal requirement that the Licensing Authority identifies the concern about crime and disorder or public nuisance; considers whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent before such a decision is made.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

14. The Policy has been reviewed and updated to ensure it is relevant to Doncaster in 2016 going forward and to take account of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003. If the Policy was to remain in its current form it would be outdated.
15. The alterations that have arisen out of the review process are largely driven by the Licensing Authority seeking to ensure the Policy remains up to date, relevant and in line with the latest guidance.
16. With regard to the responses received during the consultation period (Appendix B and B1 to B4), in particular the consideration of the existing special policy regarding cumulative impact and the proposals to extend, these were considered by the Licensing Committee on, 15th October 2015. The Licensing Committee resolved to recommend the Policy to Council for adoption with the inclusion of the points listed in section 2 of this report.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 17.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>It is recognised that licensed premises are, quite often, businesses and places of employment.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	None
	<p>Council services are modern and value for money.</p>	None
	<p>Working with our partners we will provide strong leadership and governance.</p>	None

RISKS AND ASSUMPTIONS

18. Failure to adopt and or review a statement of licensing policy (cause), will exposed the Council to a legal and financial liability (event) brought about by the Council's inability to discharge its functions under the Licensing Act 2003. The initial risk rating is 20 = Likelihood 5 (very likely) x Impact 5 (critical).
19. However, by preparing and publishing a statement of policy, in accordance with the Licensing Act 2003, that has regard to the licensing objectives of the 2003 Act, the revised Home Office guidance issued under section 182 of the 2003 Act, and any responses from those consulted on the statement the current risk rating is 1 = Likelihood 1(very unlikely) x Impact 1 (slight).

LEGAL IMPLICATIONS

20. The Statement of Licensing Policy must be reviewed and published every five years (section 5 Licensing Act 2003). The policy was last adopted to be effective in January 2011 and therefore the Statement of Licensing Policy should be reviewed and then publish that revised statement by 7th January 2016. There are issues that may arise if the policy is not in place by that date. The impact of any issues will only take effect if the Licensing Authority is required to deal with any licence applications between the date the licensing statement should be in force (7th January 2016) and the date it actually comes into force.
21. The Statement of licensing policy sets out the Authority's policy in relation to the exercise of its licensing functions under the Licensing Act 2003 and associated legislation. There is no requirement to make any revisions, however the Home Office have issued revised guidance in respect of the Licensing Act 2003 and therefore it is recommended that revisions are made to take account of this revised Guidance. Before making revisions to the Policy the Authority is required to consult in accordance with the relevant statute.
22. In addition the Authority has now received requests for the Authority to continue to adopt a Cumulative Impact Policy in respect of the town centre and proposals to include additional zones. The effect of adopting such a policy is to create a rebuttable presumption that a licence application, which is likely to add to the existing cumulative impact, will normally be refused following relevant representations.
23. The Cumulative Impact Policy should be aligned with other policies such as planning and also other relevant strategies for example late night economy strategy. The Home Office Guidance states the steps that should be followed by licensing authorities when adopting a cumulative impact policy:
 - Identify concern about crime and disorder or public nuisance;

- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - Identify the boundaries of the area where problems are occurring;
 - Consult with those specified in section 5(3) of the 2003 Licensing Act; and subject to the outcome of the consultation
 - Include and publish details of special policy in licensing policy statement.
24. Once the licensing authority has adopted a special policy it must include within its policy statement the following:-
- A full justification as to why the saturation policy has been adopted, including what problems there are and why these cannot be resolved other than by restricting further licensed premises. Please be aware that it is possible for saturation policies to restrict hours in an area. Evidence must be collated to support this and should be summarised in the policy. The policy should also clearly specify the geographical area where the saturation policy is to apply.
 - The policy statement must make clear that the special policy is not absolute and that the circumstances of each application will be considered properly. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted.
 - There should be a clear statement regarding the difference between commercial need and the cumulative impact of premises in an area. Need is a matter for the planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its committee to consider.
 - The policy must not impose quotas of premises or licences.
 - A special saturation policy must not include provisions for a terminal hour in a particular area.

FINANCIAL IMPLICATIONS

25. There are no financial implications associated with this report. Any costs involved with the preparation, adoption and implementation of the Policy are met by the fees paid by new applicants and existing licence holders.

HUMAN RESOURCES IMPLICATIONS

26. Not applicable.

TECHNOLOGY IMPLICATIONS

27. Not applicable.

EQUALITY IMPLICATIONS

28. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

29. The Licensing Act 2003 requires formal consultation with:-
- a. The Chief Officer of Police;
 - b. Representatives of the holders of the various licences for premises within the Borough who will be affected by the Policy; and
 - c. Persons/bodies representing the interests of persons likely to be affected by the Policy.
30. Full details of the consultation process and those consulted with can be found in section 1.2 of the Policy.
31. Responses to the consultation have been received. The relevant responses are summarized at Appendix B.
32. With regard to the Cumulative Impact Policy (CIP), further consultation was undertaken with all parties following the receipt of requests to extend Area 1 – Doncaster Town Centre and add two new areas namely part of the Wheatley Ward and Bawtry. The requests and supporting information is attached at Appendix B1 to B4.

BACKGROUND PAPERS

33. None.

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Peter Dale
Director of Regeneration and Environment

Appendix A
Statement of Licensing Policy 2016 Licensing Act 2003
Adoption Route and Timetable

Meeting / Committee	Date of Meeting
Directors Meeting	1/9/15
Exec Board	15/9/15
Overview and Scrutiny Management Committee	8/10/15
Licensing Committee	15/10/15
Cabinet (for noting)	3/11/15
Council	26/11/15

Appendix B
Relevant consultation responses received

Source	Details	Comments / Recommended Action
South Yorkshire Police	<u>Summary</u> - Section 4.11 - Suggest consideration be given to making reference to door supervisors needing to be registered with the Security Industry Authority (SIA)	It is a mandatory condition under the Licensing Act 2003 that where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority. For the above reason is it not considered necessary to amend the existing wording section 4.11.
South Yorkshire Police	<u>Summary</u> -Proposal to retain the existing Cumulative Impact Policy (Area 1 Town Centre) as detailed in section 7.13 with a suggestion to also expand the zone to include the areas of Market Place and Cleveland Street.	A request has been made of the SYP Licensing Manager to provide supporting evidence with a view to presenting this information to the Licensing Committee for consideration. Additional Information - Appendix B1.
Director Public Health – Doncaster Council	<u>Summary</u> - Support for the continuation of the existing Cumulative Impact Police in respect of the zone detailed in section 7.13 with a proposal to create a new zone in part of the Wheatley ward i.e. Nether Hall Road, Copley Road and Christ Church Road, Broxholme lane and Highfield Road. To apply to all licences authorising alcohol sales (on and/or off).	Evidence to support the proposal has been provided which will be presented to the Licensing Committee for consideration. Additional Information - Appendices B2 and B3
Bawtry Town Council	<u>Actual response</u> - <i>Licensing objectives - prevent of crime & disorder, public safety, prevention of public nuisance and protection of children from harm. Public nuisance is defined as the effect of licensed activities on persons living and working in the area, which may be disproportionate and unreasonable.</i> Perhaps Bawtry could be helped if 'nuisance car parking' could be added to the list as some residents complain regarding visitor parking on residential streets. We know from DMBC that the number	Parking on residential streets beyond the boundary of licensed premises are matters for the personal responsibility of individuals under law and parking is a matter that is regulated / controlled under specific road traffic legislation. The request to consider the creation

of existing licensed premises is not something to be taken into account when considering a new application, but the draft policy appears to suggest otherwise: "The policy includes a special policy which seeks to limit the cumulative effect of licensed premises in certain areas" Doncaster town centre is designated as a community impact policy area and there, because of the significant number of licensed premises concentrated in one area, the presumption of approval of new applications is reversed, ie they will normally be refused if relevant representations are received. This is the only one designated a CIPA within the Borough. The suggestion is that Bawtry could similarly be designated. There are over 20 establishments licensed to serve alcohol and this is quite high for a small town of c3700 inhabitants. Some residents reside in or very close to Bawtry town centre. Thus it is felt that we should benefit by being able to control the number, and operation, of licensed premises within Bawtry. We would wish to push for this under clause 4.6 and prior to an application being made for a premises license, that consultation with responsible authorities takes place and comments included (referred to) in the application. Clause 6.22 is relevant in this regard.

In the past Bawtry TC has contacted the Authority regarding Early Morning Restrictions Order but apparently SY Police say they have had no cause for concern in connection with drinking in the early hours, thus there seems to be nothing we can do on this particular issue.

It is hoped you will be able to take the above comments into account.

of a special policy regarding cumulative impact for the Bawtry area is noted and will be presented to the Licensing Committee for consideration.

Additional Information - Appendix B4.

The application process for a premises licence requires copies of the application to be served on all responsible authorities. The responsible authorities are defined in the Licensing Act but do not include town/parish councils. Applicants cannot be compelled to consult with responsible authorities or local residents and businesses prior to submitting an application but can, and are, encouraged to do so through Doncaster Council's Statement of Licensing Policy. (Section 6.22)

Whilst tentative enquires have, in the past, been made regarding EMROs no formal request has been received at this time. EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly

		attributable to specific premises. Section 8.6 outlines the process that would be followed should such a request be received and considered appropriate.
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Appendix C
Statement of Licensing Policy 2016 - Licensing Act 2003
Summary of Key Changes

We have compared the re-issued Guidance under Section 182 of the Act with our existing policy statement and have made amendments to reflect the new statutory guidance and other changes. These changes have now been incorporated into our draft policy statement.

We have endeavored to create a policy document that is functional and manageable by taking the opportunity to strip out non-policy information and guidance. It is our intention to create a separate 'Local Licensing Guidance' document, to supplement this policy, which will contain practical guidance for licence holders and assist local residents or other interested people who may make a representation against an application.

In addition to the general concept outlined above, the following key changes have been made to the policy all of which are necessitated by legislative changes that have come about since the commencement of the previous policy (January 2011)

1. Removal of the 'vicinity' test - persons wishing to make representations about a new application or to review an existing permission are no longer required to be located in the vicinity of the premises.
2. Removal of the 'interested parties' term and replace with 'any other person' – this facilitates 1 above and widens the scope for persons wishing to make representations.
3. Change to the policy review period from 3 years to 5 years.
4. Recognition that the responsible authorities have been expanded to now include the Licensing Authority and the body responsible for Public Health.
5. Change to wording relating to the imposition of conditions on a licence. Conditions may only be imposed that are 'appropriate and proportionate' to the promotion of the licensing objectives. Previously the term was 'necessary and proportionate'.
6. Recognition of the introduction of new mandatory licence conditions in particular those which effectively ban irresponsible drink promotions, ban the dispensing of alcohol directly into the mouth and ensure that customers have access to free drinking water.
7. Removal of the renewal requirement for Personal Licences. Prior to 2015 all Personal Licences were valid for 10 years.
8. Changes to Temporary Events
 - a. recognition that, in addition to the Police, the Environmental Health service can now intervene to prevent or modify an event; and
 - b. new provision to facilitate a temporary event required at short notice where the minimum period of notice cannot be achieved.
9. Introduction of the new provisions relating to:
 - a. Late Night Levy
 - b. Early Morning Restriction Orders.

Section 7 - Cumulative Impact - The consultation has resulted in requests to retain and extend the existing area (Area 1 – Doncaster Town Centre) along with proposals to add 2 additional areas, namely part of Wheatley and Bawtry.

On the 15th October 2015, the Licensing Committee resolved to recommend, to Council, the adoption of the Policy with the inclusion of the following:

- i. the continuation of the existing Cumulative Impact Zone in Doncaster Town Centre (Bradford Row, Hall Gate, High Street, Priory Walk and Silver Street), with the inclusion of additional areas of Market Place and Cleveland Street and that the policy should apply to all licensed premises;
- ii. the implementation of a new Cumulative Impact Zone for all licensed premises in a specified area of the Wheatley Ward to include Nether Hall Road, Copley Road, Christ Church Road, Broxholme Lane and Highfield Road.
- iii. the implementation of a new Cumulative Impact Zone in Bawtry for all licensed premises in the areas of Market Place, High Street, Swan Street, Church Street, Scot Lane, Wharf Street and Grasswood Lane/Dower House Square with the intention to review the adoption of this in 2 years' time.

South Yorkshire Police Response in respect of Cumulative Impact Policy

I agree with paragraphs 7.9 through to 7.12.

If we keep the impact area then a possible modification is whether we include other streets within the centre, has there been an increase of off licences since 2008 in any particular area (checking our database Market Place & Cleveland Street crop up on a par to Priory walk – I have entered them under the table below)

I have the following data available which shows incidents recorded on our Licensing database (these are alcohol & ASB related but do not include crimes such as criminal damage/theft from motor vehicle)

Location	Aug 14 2012 – Aug 13 2013	Aug 14 2013 – Aug 13 2014	Aug 14 2014 – Aug 13 2015
Silver Street	122	157 +35	140 -57
High Street	7	9 +2	7 -2
Hallgate	72	72 +/- 0	72 +/- 0
Priory Walk	40	48 +8	26 -22
Bradford Row	2	10 +8	4 -6
Market Place	39	31	38
Cleveland Street	24	31	24

South Yorkshire Police Licensing Manager

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Public Health supports the continuation of the Cumulative Impact Zone in its current form - Silver Street, High Street, Hall Gate, Priory Walk and Bradford Row. The local Strategic Intelligence Assessment continues to identify Town Centre violence as a key issue for Doncaster - we believe this provides sufficient evidence and reasoning to retain the CIP in the Statement of Licensing Policy.

Public Health would also propose a new Cumulative Impact Zone in and around Nether Hall Road, e.g. Nether Hall Road, Copley Road, Christchurch Road. Consumption in the home has been a key driver for the increases in alcohol harm (National Alcohol Strategy, 2012) and this new zone would seek to minimise harm from further increases in off-license density. The evidence for this proposal is contained in the attached document, which shows that:

- Research shows that levels of alcohol harm have a positive correlation with the density of off-licence premises,
- The proposed zone in Lower Wheatley already has a high density of licensed premises compared to other areas in Doncaster,
- The population of Lower Wheatley already experiences high levels of alcohol harm (e.g. high rates of alcohol-related hospital admissions, high rates of people in specialist drug/alcohol treatment)
- The zone contains or borders locations that are frequented by vulnerable people (e.g. various supported housing provisions and substance misuse treatment services).

Public Health proposes that the existing zone includes all licensed premises; this will limit the availability of alcohol in the evening economy through other routes e.g. off-licenses. Restaurants/cafes should easily meet the requirements of the Cumulative Impact Policy so widening the scope will not harm the wider economy.

Similarly we propose the new zone covering Netherhall Road / Copley Road / Christchurch Road also covers all licensed premises

Dr Rupert Suckling
Director Public Health

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Evidence to support the Public Health proposition of a Cumulative Impact Zone for Lower Wheatley

Background

Public Health responded to the Statement of Licensing Policy suggesting a Cumulative Impact Zone in Lower Wheatley. Consumption in the home has been a key driver for the increases in alcohol harm (National Alcohol Strategy, 2012) and this new zone would seek to minimise harm from further increases in off-license density.

There is evidence demonstrating a link between off-license density and rates of alcohol-related harm including violence, antisocial behaviour and underage consumption;

- Theall, K.P. et al (2009). The neighbourhood alcohol environment and alcohol-related morbidity. *Alcohol and Alcoholism*, **44**(5), pp.491-499.
- Livingston, M (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*, **106**(5), pp.919-925.
- Osterberg, E (2009). *Availability of Alcohol*, a chapter within *Alcohol in the European Union; Consumption, Harm and Policy Approaches*. WHO Regional Office for Europe, pp83-88.
- Alcohol Concern (2011). *One on every corner – The relationship between off-license density and alcohol harms in young people*. Report by the Alcohol Concern Youth Policy Project.

Current density of premises

Lower Wheatley already has a high density of licensed premises - 33 premises equating to 6 per 1,000 population. Along with Belle Vue, this is the highest density in the Borough, if we exclude the Town Centre and Bawtry with their evening economies. Of these premises, 16 are takeaways or corner shops selling alcohol for consumption off site and 8 of these are located on Nether Hall Road, Copley Road, Broxholme Lane and Christchurch Road.

Current issues relating to the 4 licensing objectives

The population of Lower Wheatley already experiences issues high levels of harm relevant to the 4 licensing objectives. The 2014 Community Profile for Lower Wheatley highlights that the area has; http://www.teamdoncaster.org.uk/Images/Lower%20Wheatley_tcm33-109709.pdf

- The highest rate of violence against the person in the Borough; from 2009-2013 there were 147 crimes per 1,000 population, more than double the Borough average of 63 per 1,000.
- One of the highest rates of criminal damage in the Borough; from 2009-2013 there were 147 crimes per 1,000 population, double the Borough average of 76 per 1,000.
- One of the highest rates of antisocial behaviour in the Borough; from 2009-2013 there were 845 incidents per 1,000 population, more than double the Borough average of 355 per 1,000.

Recommendation

Public Health recommends a Cumulative Impact Policy for all licensed premises covering Netherhall Road, Copley Road, Christ Church Road, Broxholme Lane, plus Highfield Road to counter displacement. Appropriate restaurants and cafes should easily meet the requirements of the Cumulative Impact Policy, so a scope covering all licensed premises will not harm the wider economy of the area.

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Bawtry Town Council

DMBC Licensing Policy review September 2015

A case for designating Bawtry as a Cumulative Impact Policy area

Currently, only part of Doncaster town centre is designated as a Cumulative Impact Policy area. That reflects the high number of licensed premises there.

Bawtry should have the same status. There are in excess of 20 licensed premises in this small town, which has a population of only 3573. These licensed premises have a very substantial impact upon the people of Bawtry, many of whom live in, or very close to, the town centre where the licensed premises are situated. It is suggested this proportional impact in Bawtry is much greater than in Doncaster centre, where relatively few people live.

Bawtry Town Council has been concerned about the growing number of licensed premises in the town for many years, and has tried, unsuccessfully, to oppose new applications. Last year, the Bawtry Residents' Group was formed. Many residents who have attended Group meetings have expressed the same concern. More specific information about residents' views has been obtained by a survey of residents and business owners conducted in the spring of 2015 as part of the consultation to inform a Neighbourhood Plan. To date, 109 returns have been analysed.

Specific concerns are about noise, litter, nuisance parking, and anti-social behaviour which are all believed to be related to persons (often from outside Bawtry) frequenting licensed premises and the consumption of alcohol. Of the residents who completed a return, 34 complained that there are too many licensed premises in the town. There were 49 complaints about anti-social behaviour, excessive noise, litter, and nuisance parking, with the vast majority of these explicitly related to alcohol consumption. Although these numbers may be considered modest in absolute terms, they actually evidence a serious concern, with many residents no longer feeling comfortable in the town at night, and some feeling unsafe. This fear is accentuated by the lack of a police presence in the town; officers only attend in response to an incident, unlike in Doncaster town centre where they are permanently deployed. Bawtry has a higher than average (within DMBC) number of older residents, and it would appear this fear is most prevalent amongst them.

The growth in the number of licensed premises that has occurred in Bawtry over several years is readily acknowledged to have created a significant night time economy and a degree of vibrancy to the town. That has undoubtedly been of benefit, but arguably mostly to the businesses concerned and to people from across the area who want a good night out. Many of Bawtry's residents also value these facilities, but they also suffer the unwelcome side effects of having too many premises serving alcohol.

Doncaster's licensing policy has objectives of preventing crime and disorder, maintaining public safety, preventing public nuisance, and protecting children. It is suggested that the further unrestricted development of Bawtry as a venue for the consumption of alcohol would be incompatible with the realisation of these objectives. It would not be the intention to use designation of Bawtry as a Cumulative Impact Policy area to try to refuse all new applications for licenses – but to facilitate much improved control of future development, with some differentiation between different sorts of licensed premises and the application of local knowledge. For instance, an application for a licence to serve alcohol in a new restaurant venue might be supported, whereas a similar application relating to a bar might be resisted, on the grounds that the clientele of a licensed restaurant might not be expected to put the licensing policy objectives at risk in the same way as the clientele of a bar might.

Appendix B4

In the relatively short period allowed for consultation about the new licensing policy it has not been possible to identify all the evidence of the need for a CIP for Bawtry that may be available. It is, however, believed that the evidence that has been offered is wholly consistent with that described in Section 7.16 of the proposed new policy, although more may be available from responsible local authorities, such as the Police, the Area Health Authority, and DMBC Environmental Health. It is expected that DMBC gives this matter the most careful consideration, and does not consider the proposal less generously than the historical judgement exercised to apply a CIP to Doncaster town centre. In that context, it should be stressed that people live in Bawtry's town centre; they do not live in very significant numbers in Silver St, the High St, Hall Gate, Priory Walk and Bradford Row.



Doncaster
Metropolitan Borough Council

Consultative Document Statement of Licensing Policy 2016 - 2021

Licensing Act 2003

Further advice and guidance can be obtained from:

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590

Email: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing

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Executive Summary

The Licensing Act 2003

Doncaster Council is the Licensing Authority for the Doncaster Metropolitan Borough area.

Section 5 of the Licensing Act 2003 (the Act) requires the Licensing Authority to prepare a statement of its licensing policy (the policy) that it is proposed to apply in exercising its functions under the Act. The policy must be reviewed at least every five years, but may be reviewed within that period and revised as appropriate.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

Licensable activities are carried out under 'authorisations', which can be:

- Premises licence
- Club Premises Certificate
- Temporary Event Notice

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally the Council has regard for a number of other local strategies such as the Safer Doncaster Partnership and Crime Reduction strategy.

The Licensing Authority has the remit to determine premises licences, club premises certificates, personal licences and temporary event notices.

Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Where appropriate the Council consults with the responsible authorities as described in the Act.

Local people and elected members of the Council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications or requesting reviews of licences for problem premises.

The policy includes a special policy which seeks to limit the cumulative effect of licensed premises in certain areas.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council's enforcement principles and the principles underpinning the right of review.

Section 1 Purpose of the policy

1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Doncaster Council as Licensing Authority on (Target date 26th November 2015) and is effective from 7th January 2016. It will be kept under review and as a minimum will be revised no later than 2020, with a new policy in place by January 2021, unless statute changes. Unless otherwise stated any references to the Council are to the Doncaster Licensing Authority.

1.2 In preparing this policy the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Representatives of local premises licence holders
- Representatives of local club certificate holders
- Representatives of local personal licence holders
- Local Licensing solicitors
- Charitable organisations that deal with the social impact of alcohol misuse
- The responsible authorities namely:
 - Chief officer of South Yorkshire Police
 - Chief officer of South Yorkshire Fire and Rescue Service
 - Doncaster Council – Environmental Health
 - Doncaster Council – Health & Safety
 - Doncaster Council – Safeguarding Children & Adults
 - Doncaster Council – Planning
 - Doncaster Council – Director of Public Health
 - Doncaster Council – Trading Standards

1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

1.4 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.5 The Council adopts the overall approach of permitting the responsible promotion of licensed activities. However, in the interests of all its residents and other businesses, irresponsible licensed activity will not be tolerated. Following relevant representations the Council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. Effective and proportionate enforcement, in partnership with responsible authorities and other agencies, will be used to address premises where there are problems.

1.6 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.

1.7 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate

circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

1.8 The Council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as Pub-Watch meetings and also by way of regular meetings with the responsible authorities.

Scope of the policy

1.9 This policy covers licensable activities within the Doncaster district as defined by the Licensing Act 2003. These are:

- The sale by retail or supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

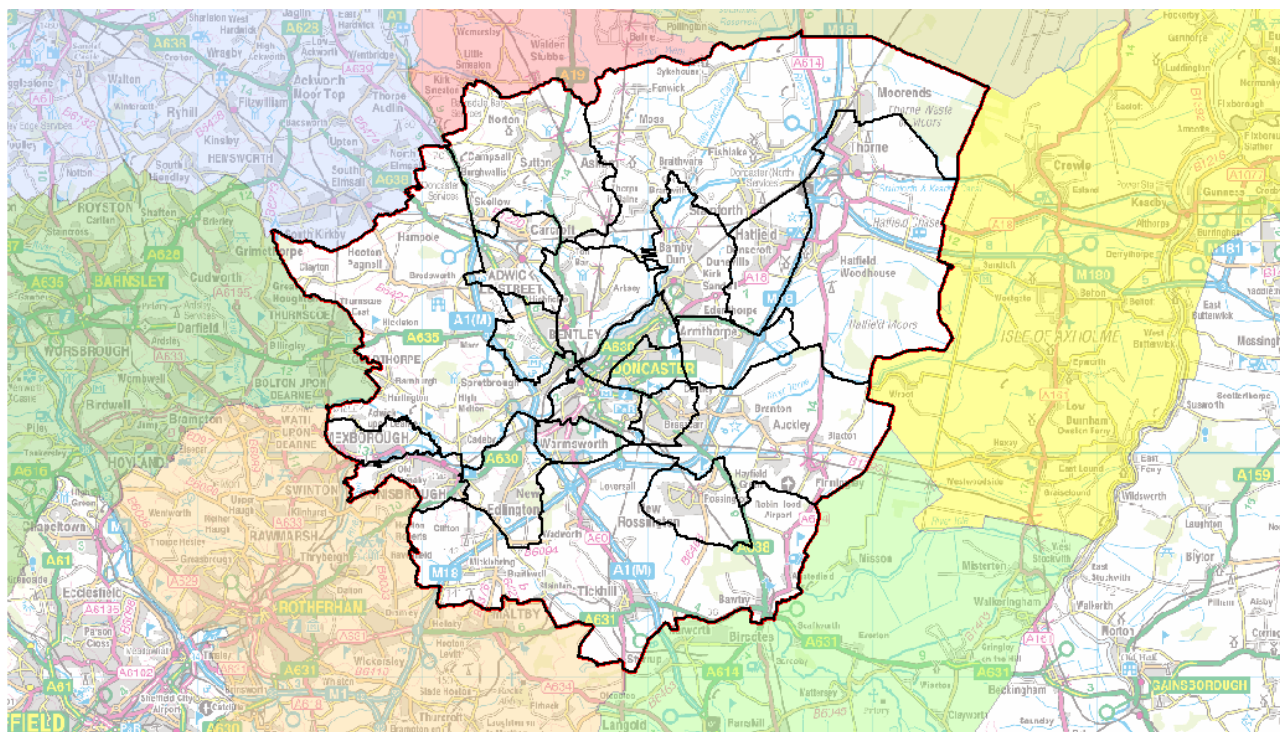
1.10 Advice on whether a licence is required for premises or an event can be obtained from the Licensing service at Doncaster Council.

1.11 Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.

1.12 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the Council must grant the application. Only if relevant representations are made will the Council's discretion be engaged.

1.13 Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the Council is likely to take on certain key issues where representations have been made.

Section 2 – The Doncaster District



2.1 Doncaster has a wide range of leisure and entertainment facilities, including town centre bars, village pubs, clubs, hotels, restaurants and major venues such as Doncaster Racecourse, Cast theatre and performance venue, Keepmoat Stadium, The Dome and Robin Hood Airport providing excellent facilities for residents and visitors.

2.2 The Doncaster Metropolitan Borough extends over 58,000 hectares (224 square miles) and has a population of 302,400 (taken from the 2011 census). It includes the town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry.

2.3 Each area of the district has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Applicants may consult with the Licensing service to ensure they have as much information as possible before making their application.

Section 3 Integrating other guidance, policies, objectives and strategies.

3.2 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.

3.3 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Consultation Document

Section 4 Promotion of the licensing objectives.

4.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.

4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

4.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

4.5 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

4.6 The Council recommends early consultation with responsible authorities. Many responsible authorities would be prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Office or from the Licensing website.

Crime and Disorder

4.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

4.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Safer Doncaster Partnership, and any local crime reduction strategy.

4.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, police views on matters relating to crime and disorder will be given considerable weight.

4.10 If relevant representations are made in relation to a premises licence or club premises certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

4.11 Conditions will be targeted on deterrence and the prevention of crime and disorder. The Council may consider:

- The need for and location of CCTV cameras; (Consideration will be given to the code of practice for CCTV issued by Information Commissioner's Office)
- The need for door supervision;
- Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence;
- Membership of a recognised pub watch or similar scheme.

4.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

Public Safety

4.13 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of staff and performers appearing at any premises.

4.14 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as conditions on licences where the Order applies.

4.15 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

4.16 Applicants are advised to consult with the Council's Environmental Health Officers (Health & Safety Enforcement) who can offer advice as to appropriate measures to be included in risk assessments and potentially in operating schedules. They can also offer advice in relation to workplace health and safety matters including compliance with the smokefree legislation.

4.17 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.

4.18 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues.

4.19 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

Public Nuisance

4.20 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises which may be disproportionate and unreasonable.

4.21 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.

4.22 Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the smoking ban where customers may now be more inclined to use external areas of premises.

4.23 Where applicants are completing operating schedules the Council encourages them to have regard to the location of the proposed or actual premises and, in particular, whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, accommodation for the elderly, hospitals, hospices or places of worship.

4.24 Applicants are recommended to consult the Environmental Health Service for advice on measures that may need to be incorporated into an operating schedule.

4.25 If relevant representations are made, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.

4.26 The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.

4.27 When considering such matters, the Council will have particular regard to representations made by the Environmental Health Service and by local residents.

4.28 The Council may consider the following matters:

- Whether doors and windows will or can be kept closed after a particular time.
- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxi firm.

4.29 The Council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use such facilities.

4.30 Ultimately if it is necessary for the prevention of public nuisance where conditions do not

adequately address the issues an application can be refused.

Protection of children from harm

4.31 The Council recognises the Doncaster Safeguarding Children Board as the responsible authority for the protection of children from harm.

4.32 The protection of children from harm includes protection from physical and psychological harm.

4.33 The Council notes that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.

4.34 Issues relating to access of children to premises may give rise to concern:

- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- where there have been convictions of the current management for serving alcohol to minors;
- where the premises have a reputation for allowing under-age drinking;
- where requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises; and
- where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

4.35 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.

4.36 On receipt of relevant representations, the Council will consider whether conditions are necessary. If conditions are necessary these may include:

- limitations on the hours when children will be present;
- limitation upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions only when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under the age of 18 when any licensable activities are taking place.

4.37 In such cases, representations by the Doncaster Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children.

4.38 The Council recognises that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

4.39 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 21/25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

Consultation Document

Section 5 General Principles.

5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.

5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

5.3 Applicants are reminded of the Government's Alcohol Strategy. Matters set out in the strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

Human Rights

5.4 Human Rights Act 1998 and The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the human Rights Act 1998 and the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

Impact of Licensed Activity

5.5 Where no representations are made the Council must grant a licence subject to conditions consistent with the operating schedule.

5.6 When determining any application where relevant representations are made, the Council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The Council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.

5.7 Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the Council is looking at the impact of the activities concerned:

- the style of operation, the numbers of customers and customer profile likely to attend the premises;
- the location of the premises and the proximity of noise sensitive properties;
- the proposed hours of operation;
- the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses;
- any proposed methods for the dispersal of customers;
- the scope for mitigating any impact;
- the extent to which the applicant has offered conditions to mitigate the impact;
- how often the activity occurs.

In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the Council may take into account, in addition to the above matters, any evidence:

- of past demonstrable adverse impact from the activity especially on local residents or businesses;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

5.9 Other relevant matters may be considered as the individual case dictates.

Special Events in the Open Air or in Temporary Structures

5.10 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.

5.11 However, the success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.12 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a music festival, the Council has established a multi-agency forum (Safety Advisory Group) to assist organisers in co-ordinating such events. This includes Council departments who have an interest in or legislative role relevant to such events together with representatives of the various emergency services.

5.13 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.

5.14 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive.

5.15 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

5.16 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.

5.17 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Service.

5.18 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act so as to promote the licensing objectives.

Other Regulatory Regimes

5.19 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the Council plan and the management of the evening and night time economy of the Doncaster district.

5.20 In preparing this policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, on occasions, it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

Application Process

5.21 Applications must be made to the Council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. The Council actively supports the ability for applications, where permitted, to be submitted electronically.

Advertising Applications

5.22 Where an application is required to be advertised in a local newspaper, e.g. a new application or an application to vary to an existing authorisation, it is the policy of the Council that the chosen newspaper should one which is published daily or weekly and is widely available in the vicinity of the premises to which the application relates.

Licensing Committee

5.23 The Council appoints a licensing committee and licensing functions will often be delegated to a licensing subcommittee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 13 of this policy.

5.24 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or subcommittee discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

5.25 The Terms of reference, procedure for hearings and scheme of delegation of the Licensing Authority is agreed annually by the Licensing Committee and is published on the Council website.

Representations

5.26 Depending on the type of application representations may be made by a responsible authority or other persons (as defined by the Licensing Act 2003). The Council has agreed protocols with responsible authorities and issued guidance to other persons making representations, setting out the detail of the process. Guidance is available on the Council website or by contacting the Licensing Office.

5.27 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application need to be aware that their personal details will

be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. The Council is not able to accept anonymous representations.

5.28 Where a representation is received which is not from a responsible authority the Council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.

5.29 'Relevant representations' are representations:

- about the likely effect of the premises licence on the promotion of the licensing objectives;
- which have not been withdrawn and are not, in the opinion of the Council, frivolous or vexatious.

5.30 Where relevant representations are received about an application the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

Reasons for Decisions

5.32 Every decision made by the Licensing Committee, subcommittee or officers shall be accompanied by clear reasons for the decision.

Promotion of Equality

5.33 The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.34 At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.

5.35 We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice

5.36 Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:

- informs the development of policies and plans across Doncaster;
- increases understanding to support the main population based needs assessment reports;
- improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
- improves the commissioning of Public Services.

Section 6 Applications for Premises Licences and club Premises Certificates

6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

Planning

6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

Licensing Hours

6.8 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.

6.9 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance.

6.10 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Doncaster. However any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.

6.11 The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.

6.12 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their

existing authorisation if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.

6.13 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:

- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for;
- the potential effect on the licensing objectives is not significant;
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

6.14 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.

6.15 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Local, national and international occasions

6.16 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

6.17 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

Drinking up time

6.18 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

6.19 Where relevant representations are made the Council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

Operating Schedules

6.20 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

6.21 Operating schedules are the key to ensuring that the four licensing objectives are

promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

6.23 Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

6.24 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes), which may help mitigate potential risks.

6.25 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the section below which contains information on carrying out a risk assessment.

6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by Council.

Risk assessments

6.27 The Council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the Council and responsible authorities to assess how they will seek to promote the licensing objectives.

6.28 The Council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case.

6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.

6.31 The Council recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

Excessive Consumption of Alcohol

6.37 The Council is acutely aware of that certain 'irresponsible' drinks promotions give rise to a significant risk of breaching one or more of the four licensing objectives.

6.38 The Council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.

6.39 The Council as the licensing authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

6.40 Applicants should be aware of the specific mandatory conditions, attached to all licences authoring the sale or supply of alcohol for consumption on the premises, which effectively:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free drinking water if they ask for it.

6.41 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the appropriate legislation.

Conditions

6.42 The Council recognises it may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6.43 The Council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

6.44 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.

6.45 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

Designated Premises Supervisor

6.46 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times; however the responsible authorities will expect the DPS to be available to discuss the conduct

of the premises at reasonable times.

6.47 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

Staff Training

6.48 The Council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises and that suitable training is extended to all staff involved in managing or supervising the premises.

6.49 It is also strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

6.50 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

Club Premises Certificate

6.51 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.

6.52 A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.

6.53 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Council has issued guidance to clubs on applying for a Club Premises Certificate.

Minor Variations

6.54 It is possible to make small changes to premises licences or club premises certificates through the minor variation process which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Government has issued guidance on this process which can be accessed on the Council's website. Anyone considering submitting an application for minor variation is advised to first discuss the proposed variation with the Licensing Officer prior to submitting the application

Alcohol Deliveries

6.55 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should consider including in their operating schedule the procedures

they intend to operate to ensure that:

- The person they are selling alcohol to is over the age of 18;
- That alcohol is only delivered to a person over the age of 18;
- That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer;
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

Children and Cinemas

6.56 In relation to premises giving film exhibitions, the Council expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

Consultation Document

Section 7 - Cumulative Impact

7.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area.

Cumulative impact policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

7.2 The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including taxi ranks
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces.

7.3 The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having regard to the guidance issued by the Secretary of State.

7.4 In order to make a decision to include a CIP within this statement of policy there must be an evidential basis. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local councillors; and
- evidence obtained through local consultation.

Effect of Special Policies

7.5 A cumulative impact policy creates a rebuttable presumption that those applications within the designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

7.6 An applicant wishing to obtain a new or varied licence for premises falling within any cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the Council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

7.7 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

7.8 Despite the presumption against grant, responsible authorities and other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its cumulative impact policy. The Licensing Authority, in its role as a responsible authority may make a representation to any application received in respect of a new premises licence or a full variation of an existing premises licence, in a cumulative impact area. This representation will include the latest evidence in relation to that cumulative impact policy area. Any other representations, from responsible authorities and members of the public, which are based on the negative effects of cumulative impact will stand in their own right, but will also support and strengthen the licensing authority representation.

7.9 The Council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

Rebutting the presumption against grant in a Cumulative Impact Policy area

7.10 When considering the presumption against grant in a CIP area, the Council will need to be satisfied that the grant will not impact on the cumulative impact of existing licensed premises in the area. Applicants will often suggest measure which they assert will demonstrate there will be no impact.

7.11 Examples of factors the Council may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate before midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.

7.12 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run, as all licensed premises should meet

this standard

- That the premises will be constructed to a high standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.13 Any relevant representation of support will be taken into consideration by the Council when making its determination.

Cumulative Impact Policies (CIPs)

7.14 Following the consultation process, as described in Section 1 of this policy, the Council is adopting a special policy, if representations are made, of refusing all licence applications in the areas of Doncaster Borough detailed below, if, by granting them, they would contribute to the cumulative impact on the area that the Licensing Authority wishes to mitigate. Applications made for premises licences within the adopted Cumulative Impact Areas will be based on the individual merits of each application, and if the application is unlikely to significantly add to this cumulative impact, then the licence may be granted.

7.15 Reference to 'all licensed premises' refers to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on and off the premises, and the provision of late night refreshment.

7.16 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises is being operated, representations would be considered and determined in respect of the four licensing objectives. However the special policy may be a justification to refuse an application to vary a licence or certificate.

7.17 The Council recognises the difference between cumulative impact and commercial need of premises in an area. Need is a matter for the Council's planning committee and market forces and is not a matter for the Council to consider as part of its licensing function.

7.18 The Council will not operate a quota of any description, including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community. Similarly, the consideration of an application in a designated area will not include a mandatory closing time for the entire area.

Area 1 – Doncaster Town Centre

7.19 Historically, a major concern for Doncaster town centre is the impact on policing the night time economy due to the concentration of licensed premises.

7.20 The Council is aware of local initiatives involving partnership working between the Council, Police and other statutory/voluntary bodies. However, the prevalence of crime continues to be a cause for concern in some areas of the Doncaster town centre.

7.20 The Council first adopted a Cumulative Impact Policy (CIP) in January 2008 covering part of the Doncaster town centre. These areas of the town centre which continue to cause concern to local agencies and the Police have again been identified as a Cumulative Impact Area. Following the consideration of evidence supplied by the Police and the Director of Public Health the existing area will be retained with the inclusion of 2 additional streets/areas. The

area is as detailed below:

- Bradford Row
- Cleveland Street
- Hall Gate
- High Street
- Market Place
- Priory Walk
- Silver Street

Area 2 – Part of the Wheatley Ward

7.21 Following the consideration of evidence from the Director of Public Health, identifying the area to be experiencing high rates of violence, criminal damage and antisocial behaviour, the following area has been designated as a Cumulative Impact Area:

- Broxholme Lane
- Christ Church Road
- Copley Road
- Highfield Road
- Nether Hall Road

Area 3 – Bawtry Town Centre

7.22 Following the consideration of evidence from Bawtry Town Council, identifying specific concerns of nuisance and anti-social behaviour believed to be related to persons frequenting licensed premises, and the evidence from 2 local authority councillors for the Rossington and Bawtry ward, the area below area has been designated as a Cumulative Impact Area. This designation will be reviewed after 2 years.

- Church Street
- Grasswood Lane/Dower House Square
- High Street
- Market Place
- Scot lane
- Swan Street
- Wharf Street

Section 8 - Early Morning Restriction Order

8.1 The power conferred on licensing authorities to make, vary or revoke an Early Morning Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003. The government has provided guidance as part of the S182 Guidance to Licensing Authorities.

8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

8.4 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

8.5 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

8.6 It is anticipated that any request to consider introducing an EMRO would be referred to the Licensing Office where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee for consideration. Ultimately it would be for full Council to approve the final order.

Current Status

8.7 There are currently no EMROs in place in the geographical area administered by Doncaster Council.

Section 9 – The Late Night Levy

9.1 The late night levy is a tool conferred on licensing authorities by provision in the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a contribution towards the costs of policing the late-night economy.

9.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period beginning at or after midnight and ending at or before 6am.

9.3 The decision to introduce the levy is for a licensing authority to make should it consider it appropriate to do so. The licensing authority would be expected to consult with the chief officer of police and police and crime commissioner.

9.4 Local residents can use existing channels and forums to put forward views and call for the implementation or not of the levy in their area.

9.5 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.

9.6 The decision to introduce, vary or end the requirement for the levy must be made by the full Council. Other decisions in relation to the introduction and administration of the levy may be delegated in the manner which the licensing authority considers most appropriate.

9.7 A late night levy can only be introduced following a statutory consultation with all parties affected including licence holders and the Council must take into account any representations made.

Current Position

9.8 There is currently no late night levy applied in the Doncaster Council area.

9.9 Any future consideration of a late night levy will be made in accordance with the relevant legislation and Home Office Guidance (Appendix 1).

Section 10 - Personal Licences

10.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.

10.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 10.7 to 10.9 on the role of the 'Designated Premises Supervisor'.

10.3 The Council recognises it has no discretion regarding the granting of personal licences where:

- the applicant is 18 or over,
- possesses a licensing qualification,
- has not had a licence forfeited in the last five years and
- has not been convicted of a relevant offence.

10.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant must also be able to produce evidence of the relevant qualifications.

10.5 Applicants must produce a Criminal Record Bureau certificate along with the application form. The certificate must be current and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

10.6 Where the application discloses relevant unspent convictions the Council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged the applicant is entitled to a hearing before the Council. If the police do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the Council must grant it.

10.7 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

Section 11 - Temporary Event Notices.

11.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).

11.2 Temporary event notices are subject to various statutory limitations summarised below:

- the number of times a premises user may give a TEN in a calendar year;
- the number of times a TEN may be given for any particular;
- the maximum duration of an event authorised by a TEN;
- the maximum total duration of the events authorised by TENs in relation to individual premises;
- the maximum number of people attending at any one time; and
- the minimum period between events authorised under separate TENs in relation to the same premises by the same premises user.

Up to date details of the statutory limitations can be obtained from the Licensing office.

10.3 The most important aspect of the TEN system is that no permission is required for these events from the Council. In general only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

10.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

10.5 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. Where the required notice period is not given it will be returned as void and the activities to which it relates will not be authorised.

10.6 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.

10.7 The Council will, on request, provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

Police and/or Environmental Health Intervention

10.8 The Act provides that the police or Environmental Health may, within the prescribed period, issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN will not be valid and the event will not go ahead as there is no scope for a hearing.

10.9 The ability of police and EH to serve such a notice is a further reason why event organisers are strongly encouraged by the Council not to rely on giving the minimum amount of notice and to contact the local police and EH at the earliest possible opportunity about their proposals.

Additional limitations

10.10 The Council, on receiving a TEN, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.

10.11 The Act defines an associate as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person; or
- an agent or employee of that person;
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

10.12 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Section 12 - Enforcement and Reviews

12.1 The Licensing Act contains measures to ensure that the Council and responsible authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives. The Council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.

12.2 The Council recognises that a system of coordinated enforcement with the police and other authorities assists enforcement and allows authorities to deploy resources more efficiently.

Detection and Prosecution of breaches

12.3 It is the policy of the Council to adopt a multi-agency approach to the detection and prosecution of offences under the Licensing Act. It is the policy of the Council that, in the first instance, it will be for the most appropriate authority e.g. the police for matters that relate to crime and disorder, environmental health for matters that relate to nuisance etc. to lead the investigations at problem premises. The policy of joint-enforcement provides for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch to low risk premises or those that are well run.

12.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental health and trading standards also have their own powers.

12.5 The Council has adopted the principles of risk assessment and targeted inspection. Inspections of licensed premises are not undertaken routinely but when and if they are judged necessary. This ensures that resources are used efficiently and, for example, are more effectively concentrated on problem premises. In all cases the key principles of consistency, transparency and proportionality will be maintained.

Reviews of Licences

12.6 The Council recognises that the ability of the police, other responsible authorities and other persons to apply for a review of a premises licence is an incentive to effective self-regulation.

12.7 On receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.8 The Council will seek to establish the cause or causes of the concerns that the representations identify. The remedial action will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Reviews arising in connection with crime

12.9 When considering a review request or the possibility of enforcement action the Council will take into account all relevant circumstances. There is certain criminal activity that may arise in connection with licensed premises which will be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

12.10 It is envisaged that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following persistent sales of alcohol to children

12.11 Where persistent sales of alcohol to children have occurred at premises and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence it is expected that responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under or a closure notice has been given under the 2003 Act. In determining the review the Council will consider revoking the licence if it considers this appropriate.

Section 13 – Administration, exercise and delegation of functions

13.1 The 2003 Act provides that the functions of a licensing authority (including its determinations) are to be carried out by its licensing committee (except those relating to the making of its Statement of Licensing Policy). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officers of a licensing authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.

13.2 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection for a personal licence or relevant objection to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.

13.3 Membership and the terms of reference for the Licensing Committee will be established at Annual General Meeting of the Council.

13.4 The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting.

13.5 Details of all committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

Appendix 1 Further reading and useful information

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 available on the DCMS Website at www.gov.uk/S182 Guidance
- ICO Code of Practice for CCTV (In the picture) 2015
- <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- Home Office Guidance to Mandatory Conditions www.gov.uk/mandatory-conditions
- The Event Safety Guide – A guide to health safety and welfare at music and similar events (HSE 1999) (“The Purple Guide”) ISBN 0 7176 2453 6 (due to be updated in 2013)
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997)(“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org
- The Portman group website at www.portman-group.org.uk
- The British Beer and Pub Association at www.beerandpub.com
- The Alcohol Strategy, Home Office
- Government website aimed at tackling anti-social behaviour www.together.gov.uk
- Safer clubbing guide available at www.drugs.gov.uk
- Home Office Guidance to Late Night Levy
www.gov.uk/government/publications/amended-late-night-levy-guidance

26th November 2015

To the Chair and Members of the Council

STATEMENT OF LICENSING POLICY 2016 – GAMBLING ACT 2005

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Christopher McGuinness	All	PO351

EXECUTIVE SUMMARY

1. The purpose of this report is to request members of the Council to consider the adoption of the Statement of Licensing Policy 2016 (Gambling Act 2005) following its triennial review. The route and timetable for adoption is attached as Appendix A.

RECOMMENDATIONS

2. It is recommended that the Council approve the reviewed Statement of Policy - Gambling Act 2005 and, following consideration of the responses received during the consultation and the resolutions by the Licensing Committee and Cabinet - 15th October 2015 and 3rd November respectively, resolve that the Policy be adopted to take effect from 31st January 2016.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council is required by the Gambling Act 2005 to produce a Statement of Licensing Policy and to review its Policy triennially. This is the fourth Statement of Policy produced by Doncaster Council under the Gambling Act 2005, which will set out the basis for all relevant licensing decisions to be taken by the Authority over the next three years.

BACKGROUND

4. The Licensing Authority is required, under the Gambling Act 2005 (The Act), to produce a Statement of Licensing Policy and to review the Policy at least every 3 years. The reviewed Policy must be effective by the 31st January 2016. There are three licensing objectives set out in the Act and these must be addressed within the Authority's Statement of Licensing Policy, namely:
 - i. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - ii. ensuring that gambling is conducted in a fair and open way.
 - iii. protecting children and other vulnerable persons from being harmed or exploited by gambling.

5. The Policy sets out, under these three objectives, the steps that need to be taken by applicants to address these issues. It also addresses how the Licensing Committee will conduct hearings for applications that cannot be resolved. The delegation of work to the Licensing Committee is prescribed within the Gambling Act and members of that Committee and any Sub Committee will have to have a detailed knowledge of the Policy and its implications for applicants. Decisions of the relevant committees must state how decisions have been made and how the relevant parts of the Policy have been used to make that decision.
6. The Policy has to be reviewed at least every 3 years and whilst there are changes these are, in the main, minor updates to the previous Policy which allows for each application to be considered on its merits taking into account the principles outlined above.
7. We have taken the opportunity to facilitate the development and use of a Local Area Profile of the Borough in this Policy. We hope that this will bring a clearer understanding of local issues. Unlike alcohol control, where some of the harms are readily apparent, for example anti-social behaviour, gambling harms are usually less visible and insidious in nature. Problem gambling can have devastating impacts on the individual, their family and their relationships with others. These impacts are not confined to debt but also include detrimental effects on an individual's health.
8. A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect operators of gambling premises to have regard to the profile when undertaking their own risk assessment on their premises and when they make licence applications.
9. The legislation requires Licensing Authorities to consult with the police and representatives of those affected by the Policy prior to adoption of its Policy. We have consulted widely and four responses were received. A summary of the responses are attached at Appendix B
10. A summary of the main changes is at Appendix C. The proposed Policy is attached as Appendix D.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

11. The Policy has been reviewed and updated to ensure it is relevant to Doncaster in 2016 going forward and to take account of the latest Guidance to Local Authorities produced by the Gambling Commission. If the Policy was to remain in its current form it would be outdated.
12. The alterations have arisen out of the review process and consultation albeit they are largely driven by the Licensing Authority seeking to ensure the Policy remains up to date, relevant and in line with the latest guidance.

13. With regard to the responses received during the consultation period (Appendix B), these have been considered by the Licensing Committee which resolved to recommend the reviewed Policy to Cabinet prior to it being considered by Council.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

14.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>It is recognised that licensed gambling premises are, quite often, businesses and places of employment.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>It is recognised that gambling premises are, quite often, businesses, places of employment and potential assets to the community.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives, will have regard to this priority when making licensing decisions</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>

	Council services are modern and value for money.	None
	Working with our partners we will provide strong leadership and governance.	None

RISKS AND ASSUMPTIONS

15. Failure to adopt and or review a statement of licensing policy (cause), will exposed the Council to a legal and financial liability (event) brought about by the Council's inability to discharge its functions under the Gambling Act 2005. The initial risk rating is 20 = Likelihood 5 (very likely) x Impact 5 (critical).
16. However, by preparing and publishing a statement of policy, in accordance with the Gambling Act 2005, that has regard to the licensing objectives of the 2005 Act, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission, and any responses from those consulted on the statement the current risk rating is 1 = Likelihood 1(very unlikely) x Impact 1 (slight).

LEGAL IMPLICATIONS

17. The functions under Part 8 of the Gambling Act 2005 which deals with the licensing of the premises for the purposes of Gambling in accordance with the Act are, by virtue of Section 154(1) of the Act, delegated to the Licensing Committee established under Section 6 of the Licensing Act 2003. Doncaster Council has such a Committee.
18. In addition, the Gambling Act requires the Council to prepare a statement of the principles they propose to apply in exercising their functions and publish it in accordance with the statutory requirements which includes a legal obligation to consult the Chief Officer of Police, those who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area, and those who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under this Act. The statement must be reviewed at least every three years and must be approved for adoption by the Full Council.

FINANCIAL IMPLICATIONS

19. There are no financial implications associated with this report. Any costs involved with the preparation, adoption and implementation of the Policy are met by the fees paid by new applicants and existing licence holders.

HUMAN RESOURCES IMPLICATIONS

20. Not applicable.

TECHNOLOGY IMPLICATIONS

21. Not applicable

EQUALITY IMPLICATIONS

22. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

23. The Gambling Act 2005 requires formal consultation with:
- a. The Chief Officer of Police;
 - b. Representatives of the holders of the various licenses for premises within the Borough who will be affected by the Policy; and
 - c. Persons/bodies representing the interests of persons likely to be affected by the Policy.
24. Full details of the consultation process and those consulted with can be found in section 1.10 of the Policy.
25. Responses to the consultation have been received from four trade related sources. These are summarized at Appendix B and attached at B1 to B4.

BACKGROUND PAPERS

26. None

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Appendix A
Statement of Licensing Policy 2016 - Gambling Act 2005
Adoption Route and Timetable

Meeting / Committee	Date of Meeting
Directors Meeting	1/9/15
Exec Board	15/9/15
Overview and Scrutiny Management Committee	8/10/15
Licensing Committee	15/10/15
Cabinet	3/11/15
Council	26/11/15

Appendix B
Relevant consultation responses received

Source	Summary	Comments / Recommended Action
<p>Association of British Bookmakers Ltd (ABB) Appendix B1</p>	<p>Largely a generic response to all local authority gambling policies relating to the new codes of practice imposed by the Gambling Commission and the introduction of a Local Area Profile.</p> <p>Specific to Doncaster policy; Para 9.5 Local area profile</p> <p>We are concerned at the inclusion of the following in the draft Statement: <i>“When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children.”</i> <i>“A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socioeconomic indicators of potential vulnerability such as deprivation and unemployment.”</i> <i>“If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives.”</i></p> <p>Similarly, we are also concerned that any factors listed for operators to have mind to when compiling their risk assessments should be supported by empirical evidence detailing the risk of harm.</p>	<p>The Gambling Commission has revised the Licence Conditions and Code of Practice (LCCP) for gambling operators. Any application must now include a local area risk assessment. The LCCP are not within the remit of the Licensing Authority. Local Authorities are encouraged to provide a Local Area Profile to assist operators in completing their assessment. There is no presumption to refuse to grant applications in proximity to vulnerable premises but an expectation that operators will address this within their application and include any action taken to minimise adverse impact.</p>
<p>Coral Racing Ltd Appendix B2</p>	<p>‘Coral Racing are generally supportive of the document but do have concerns, especially relating to the prescriptive approach it appears to take regarding risk assessments.’</p> <p>Referring to Section 1.7 of the policy ‘Coral Racing Ltd recognise the requirement to supply risk assessments, however Coral knows of no evidence that the location of a licensed betting office within the proximity of schools, accommodation for vulnerable people and</p>	<p>See above comments re ABB response</p>

	similar locations mentioned in the statement causes harm to the licensing objectives.'	
Paddy Power Appendix B3	<p>Generic reference to LCCP and Regulatory codes of practice. Specific to Doncaster policy; 'Section 9.10 provides extensive provisions as to the nature and content of local area risk assessments to be provided by operators. The Authority should consider that where operators implement extensive policies in accordance with the Gambling Commission's LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis may not be proportionate and provide an excessive burden. '</p> <p>The policy also states that consideration will be given to the location of proposed premises, in particular sensitive locations along with those areas with known high levels of crime and disorder (sections 7.3 and 9.10). In order to fully address any potential concerns, all risk profiles should be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, should not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues.'</p>	<p>Section 9.10 illustrates the requirements of the LCCP for local assessments.</p> <p>See above comments re ABB response.</p>
Campaign for Fairer Gambling Appendix B4	<p>Generic letter sent to all local authorities which is not specific to the Doncaster policy.</p> <p>Reference to their 'Stop the FOBT Campaign' (fixed odds betting terminals). Requesting restrictions and conditions on premises operating FOBT.</p>	<p>The Licensing Authority must determine each application on its own merits in accordance with the Gambling Act 2005 and associated regulations and codes of practice. Any restrictions or conditions can only be imposed in accordance with the gambling objectives.</p>

Appendix C
Statement of Licensing Policy 2016 - Gambling Act 2005
Summary of Key Changes

In producing this draft statement, regard has been had to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission.

Amendments have been made to the existing policy to reflect new guidance and other administrative changes. The most significant change is the inclusion of the facility to develop a 'Local Area Profile' which we expect operators to have regard to when preparing risk assessments on their premises and when they make new licence applications (section 9).

Doncaster Council draft Statement of Gambling Policy consultation | ABB response

August 28 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our 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 current consultation on the Council's draft gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle, reference to which we welcome is included in the Council's draft statement.

In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics¹ show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded, as at 31 March 2014.

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 we welcome the opportunity to respond to this consultation.

- **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

¹ <http://www.gamblingcommission.gov.uk/docs/Industry-statistics-April-2010-to-September-2014.docx>

“...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 Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said:

“The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme.”

Describing the project, Glasgow’s City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

“This project breaks 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.

Draft gambling policy statement

- **Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, operators are 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 local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

- **Local area profile**

As such, we are concerned at the inclusion of the following in the draft Statement:

“When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children.”

“A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socioeconomic indicators of potential vulnerability such as deprivation and unemployment.”

“If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives.”

Similarly, we are also concerned that any factors listed for operators to have mind to when compiling their risk assessments should be supported by empirical evidence detailing the risk of harm. As outlined above we are extremely concerned at the inclusion of any local area profile which is not based on empirical evidence demonstrating that the increased availability of gambling in those areas would lead to harm.

There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

As evidence of the effectiveness of the policies and controls in place to prevent underage gambling, the latest [IPSOS MORI report](#) on underage gambling showed that levels of claimed participation in activities such as betting in shops, using gambling websites and visiting casinos, remain notably low (1%).

The incidence of problem and social gambling among children as defined by the DSM-IV-MR-J screen has also continued to fall: In 2008/9 2% of young people were identified as 'problem gamblers', compared with 0.7% in 2014, and 1.2% of children were classified as 'at risk gamblers' in 2014, compared with 3.4% in 2008/9.

The high street betting industry has stringent measures in place to prevent underage gambling in shops; operating to a strict Think21 policy and conducting regular independent third party testing to check the effectiveness of the procedures in place. The ABB pays for independent members to participate in such testing and the larger operators have been conducting their own testing since 2009.

Though we welcome that the Council have stated "*each case will be determined on its individual merits*".

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

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

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes 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.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

- **Employing additional licence conditions**

We welcome that the Council has said "*the starting point in determining applications will be to grant the application without additional conditions.*"

If additional licence conditions are more commonly applied this would further 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.

- **Additional concerns**

We would also request that where a local area profile is produced by the licensing authority that 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.

Conclusion

The ABB and our 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, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our 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.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive (laurenhilton@abb.uk.com / 020 7434 2111).

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Business Safety & Licensing
Doncaster Council
Civic Offices
Waterdale
Doncaster
DN1 3BU

28th August 2015

Dear Sir

Consultation on Doncaster Metropolitan Borough Council's Statement of Licensing Policy – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are generally supportive of the document but do have concerns, especially relating to the prescribed approach it appears to take regarding risk assessments. The document correctly notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We kindly point out that it is possibly suitable to include that the decisions made by following the guidance, should not take into account any moral objections to gambling either.

The document indicates areas which suggest may not be suitable for a premises application (details contained within section 1.7) and Coral wish to clarify our position in this regard. Whilst each application will correctly be judged on its merits, the document raises concerns for licensed betting shops located within the proximity of 'schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children'.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations following the consultation completion (section 9), however, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools, accommodation for vulnerable people and similar locations mentioned in the statement causes harm to the licensing objectives.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



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The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations e.g. schools (as there is no evidence that there is a link between such venues and a betting office).

Additionally, the multiple lists of risk assessment criteria stated (over 50) are significantly dis-proportionate to the business involved and appear to position such a traditional and highly regulated establishment as a licensed betting office, on the edge of acceptable businesses. Notwithstanding this, such locations if necessary would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Power Leisure Bookmakers Limited response to Doncaster Metropolitan Borough Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are their obligations and requirements now placed upon operators under social responsibility provisions introduced by the Gambling Commission earlier this year within the LCCP.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. We propose that to ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas should only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Any proposed measures to mitigate risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns.

Section 9.10 provides extensive provisions as to the nature and content of local area risk assessments to be provided by operators. The Authority should consider that where operators implement extensive policies in accordance with the Gambling Commission's LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis may not be proportionate and provide an excessive burden. For example, obligations with regard to advertising practice, self exclusion and the provision of appropriate information are all requirements under governing legislation.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 7.3 and 9.10). In order to fully address any potential concerns, all risk profiles should be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, should not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any

proposed measures to mitigate those risks may only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime are proportionate to the existing operational procedures implemented and will effectively address any concerns.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Conditions

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.

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Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that "*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*". Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: "*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*".

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licencing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area

- E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: *“Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.”*

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licencing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: *“Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.”* Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licencing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities’ remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing “considerable scope”, in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as “accepting bets on real events” and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org

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Doncaster
Metropolitan Borough Council

Consultative Document Statement of Licensing Policy 2016

Gambling Act 2005

Further copies of this document can be obtained from:

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590

Email: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing

FOREWORD

This is the fourth Statement of Policy produced by Doncaster Council under the Gambling Act 2005, which will set out the basis for all licensing decisions to be taken by the Authority over the next three years. The statement has been produced following consultation with those bodies and persons set out in section 1.10.

The Gambling Act 2005 implemented a comprehensive structure of gambling regulation, which modernised previous gambling regulation and was designed to face the challenges of today and the future.

The Policy creates a regime of firm but fair regulation, which encourages residents and visitors to enjoy gambling and recognises the contribution of this sector to the economic development of the Borough. It also takes account of the Council's significant duty to protect children, young people and the vulnerable and to reduce the potential risks that gambling can bring.

The Council, in its role of licensing premises for gambling, recognises the importance of involving all residents and stakeholders in creating and enforcing this Statement of Policy and will seek to balance all the different aspirations and needs of businesses, local residents and the many visitors to the Borough.

We have taken the opportunity to facilitate the development and use of a Local Area Profile of the Borough in this Policy. We hope that this will bring a clearer understanding of local issues. Unlike alcohol control, where some of the harms are readily apparent, for example anti-social behaviour, gambling harms are usually less visible and insidious in nature. Problem gambling can have devastating impacts on the individual, their family and their relationships with others. These impacts are not confined to debt but also include detrimental effects on an individual's health.

A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect operators of gambling premises to have regard to the profile when undertaking their own risk assessment on their premises and when they make licence applications.

This Policy will be reviewed and revised by the Council as and when required.

The Council will seek, through the licensing process and the decisions it takes, to make Doncaster a safe and welcoming place for both residents and visitors to enjoy.

Doncaster Council

Statement of Licensing Policy (Gambling Act 2005)

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1 Statement of Licensing Policy

1.1 Introduction

Doncaster Metropolitan Borough Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences and receiving notifications in the Borough of Doncaster in respect of:-

- Casino Premises
- Bingo Premises
- Betting Premises, including Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Travelling Fairs
- Club Gaming Permits
- Prize Gaming and Prize Gaming Permits
- Temporary Use Notices
- Occasional Use Notices
- Registration of Small Society Lotteries

Unless stated otherwise, any reference, in this policy, to the Council is to the Licensing Authority and vice versa.

The Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Licensing Policy that sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

In producing this statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission, and any responses from those consulted on the statement.

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

The Policy was approved at a meeting of the Council on (target date 26th November 2015) and was published via our website on or before 3rd January 2016. Notice of the Policy and a copy of the Policy were posted at the Civic Office, Doncaster for inspection on or before 3rd January 2016. This Policy takes effect on the 31st January 2016 and will be further reviewed / revised as necessary. Statute currently requires this Policy to reviewed every three years.

1.2 The Borough of Doncaster

The Doncaster Metropolitan Borough, extends over 224 square miles, has a population of 302400 (taken from the 2011 census) and is the largest metropolitan borough by area. A plan of the Borough is attached as Appendix A.

The Borough consists of the Doncaster town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry. Around 80% of the Borough is classed as green space, with a significant proportion being agricultural land.

Due to its geographical location and good rail, road and air links, Doncaster attracts many visitors attending local, regional and national events and activities.

Since 1776 Doncaster has been home the 'St Leger', the oldest classic horse race.

Doncaster has seen significant developments in recent years with the opening of Robin Hood Airport, Transport Interchange, Doncaster College's Waterfront campus, the Keepmoat Stadium, Lakeside, redevelopment of Doncaster racecourse and the creation of a Civic and Cultural Quarter in the town centre which is home to the Doncaster Council Civic Office and the Cast theatre.

Doncaster has diverse leisure and entertainment facilities which provide facilities for residents and visitors. It is regarded as an important provider of leisure and entertainment within South Yorkshire.

Doncaster's Borough Strategy provides the big picture of the Borough's challenges, ambitions and how priorities will be delivered. Further details can be found in section 2.4 of this policy and on our website www.doncaster.gov.uk.

Each area of the Borough has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives (see section 9). Applicants may consult with the Licensing Officer to ensure they have as much information as possible before making their application.

1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.4
Licensing Authority:	Doncaster Metropolitan Borough Council
Borough:	The area of South Yorkshire administered by Doncaster Metropolitan Borough Council (Map appended at Appendix A)
Licences:	As defined in section 1.5
Application:	Applications for licences and permits as defined in section 1.5
Notification:	Notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	A specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Doncaster Metropolitan Borough Council
Responsible Authority:	For the purposes of this Act, the following are Responsible Authorities in relation to premises: <ol style="list-style-type: none"> 1. The Licensing Authority - Doncaster Council; 2. The Gambling Commission; 3. South Yorkshire Police; 4. South Yorkshire Fire and Rescue Service; 5. Development Control - Doncaster Council; 6. Environmental Health Dept - Doncaster Council; 7. Doncaster Safeguarding Children Board; 8. HM Customs and Excise; 9. Any other person prescribed by regulation made by the Secretary of State; 10. In the case of vessels: <ul style="list-style-type: none"> • the Environment Agency, • the British Waterways Board, and • the Secretary of State for Transport.

Interested Party: For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- 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;
- c) Represents persons who satisfy a) or b) above.

1.4 Licensing Objectives

In accordance with the Gambling Act 2005, Doncaster Council will carry out its licensing functions with a view to promoting the following three licensing objectives:-

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

1.5 Types of Licence

This document sets out the policies that the Licensing Authority will apply when making decisions upon applications or notifications made for:

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

1.6 Licensable Premises and Permits

The Licensing Authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines

- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

It should be noted the Licensing Authority is not responsible for the licensing remote gambling, this is regulated by the Gambling Commission.

1.7 General Principles

Nothing in this Statement of Policy will:-

1. Undermine the rights of any person to apply, under the Act, for a variety of permissions and have the application considered on its individual merits; or
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The Council is aware, as per Section 153 of the Act, that in exercising its functions it must aim to permit the use of premises for gambling in so far as the Authority thinks it is:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives; and
- (d) in accordance with the Council's Statement of Licensing Policy.

The starting point in determining applications will be to grant the application without additional conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for Premises Licences will be required to set out how they will promote the licensing objectives, as specified in section 1.4, and

what measures they intend to employ to ensure compliance with them. With effect from 6 April 2016, the Licensing Authority will also expect to receive a copy of the applicant's local risk assessment in accordance with the LCCP and Social Responsibility Code. When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be determined on its individual merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is concerned with the control of licensed premises, temporary use notices or occasional use notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual operators.

When considering any conditions to be attached to licences, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specified conditions to be attached to a premises licence as either "mandatory" or "default" conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities, which it is proposed to provide.

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

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

Any person making a representation in respect of a licence application will be required to relate their representation to one of more of the Licensing Objectives, as specified in section 1.4, before the Licensing Authority will be able to consider it.

The Licensing Authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to

promote equality and good relations between persons of different ethnic and minority groups (see section 1.12).

1.8 Responsible Authorities

The responsible authorities are identified in Section 1.3. The contact details for the responsible authorities are published on the Licensing Authority's website www.doncaster.gov.uk/licensing

The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the Licensing Authority,
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and
- the need for the body to be answerable to democratically elected persons rather than particular invested interest group etc.

In accordance with the Gambling Commissions Guidance to Local Authorities the Council designates the Doncaster Safeguarding Children Board for this purpose.

1.9 Interested Parties

See definition of Interested Parties in Section 1.3

Interested parties can be persons who are democratically elected, such as Councillors and MPs. Where appropriate this will include parish and town councillors.

Other than persons mentioned above, the Licensing Authority will require some form of confirmation that a person, representing an interested party, is authorised to represent that party.

The Licensing Authority considers that trade associations, trade unions and resident and tenant associations qualify as 'Interested Parties' where they can demonstrate that they represent persons listed in a) or b) of section 1.3 of this policy (Interested Party).

In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment)

- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit)
- Whether the person making the representation has business interests in that catchment area that might be affected.

1.10 Consultation

This Statement of Policy was subject to formal consultation with:-

1. The Chief Officer of Police for the Doncaster District.
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this Policy.

Doncaster Council has consulted widely upon this policy statement and the list of some of those consulted is provided below:

- The Gambling Commission
- Local Elected Members
- South Yorkshire Police
- South Yorkshire Fire and Rescue Service
- HM Customs and Excise
- Doncaster Council Development Control
- Doncaster Council – Public Health
- Doncaster Council - Environmental Health Department
- Doncaster Safeguarding Children Board
- Local Tenants' and Residents' Association groups
- Rotherham, Doncaster and South Humber NHS Foundation Trust
- Doncaster Chamber
- British Beer and Pub Association
- Association of British Bookmakers
- Bingo Association
- The Racecourse Association
- Gamcare
- Local Licensing Solicitors
- Gamblers Anonymous
- Samaritans
- Doncaster Advice Services Partnership
- The Environment Agency
- British Waterways – Canal and River Trust

The consultation commenced on the 31st July 2015 and, as far as practicable, the Council followed the Consultation Principles issued by

central government in 2013. The consultative document was also published on the Council's website for public comment.

1.11 Information Exchange

In fulfilling its functions and obligations under the Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Licensing Authority's existing policies.

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

1.12 Promotion of Equality

The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.

We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice

Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:

- informs the development of policies and plans across Doncaster;
- increases understanding to support the main population based needs assessment reports;
- improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
- improves the commissioning of Public Services.

2. Legislation, Policies and Strategies

2.1 Legislation - Duplication with other Regulatory Regimes

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

When dealing with a premises licence application for finished buildings, the Authority will not take into account whether those buildings have to comply with the necessary planning or building consents (see section 2.2). Fire or health and safety risks will not be taken into account, as these matters are dealt with under other relevant legislation and must not form part of the consideration for the premises licence.

It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective relating to the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

2.2 Relationship with Planning Policies

When determining an application, the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

An applicant can apply for a provisional statement if the building is not complete or if he does not yet have a right to occupy it. Such an application is again a separate and distinct process to the granting of planning permission or building regulation approval.

2.3 National Strategies

The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

Where appropriate, the Licensing Authority will consider applications with reference to other relevant local strategies and policies. In particular it will have regard to Doncaster's Borough Strategy, available on the Council's website www.doncaster.gov.uk.

2.5 Integrating Strategies

The Licensing Authority recognises there are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. Where the Licensing Authority is aware of stakeholders' plans and strategies linked to matters related to the licensing objectives it will aim to consider them.

Whilst the Licensing Authority recognises the importance of the co-ordination and integration of this policy with other policies and strategies applicants will not be required to demonstrate a requirement to fulfil criteria not in keeping with the licensing objectives of the Gambling Act 2005.

3. Decision Making

3.1 Licensing Committee

The Council appoints a licensing committee and licensing functions will often be delegated to a licensing sub-committee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 3.2 of this policy.

When required, a Licensing Sub-Committee of not less than three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.

Committee members will have regard to the Council Code of Conduct for Members. Where a Councillor, who is a member of the Licensing Committee or subcommittee, discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Subject to the prevailing scheme of delegation, the Council's licensing officers will deal with all other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, in consultation with the Chair of the Licensing Committee, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

3.2 Administration, Exercise and Delegation of Functions

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

The 2005 Act provides that the functions of a licensing authority (including its determinations) are to be carried out by its licensing committee (except those relating to the making of its Statement of Licensing Policy). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officers of the Licensing Authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.

In general, where, under the provisions of the 2005 Act, there are no relevant representations on an application for the grant of a premises licence, these matters will be dealt with by officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or Committee if considered appropriate in the circumstances of any particular case.

Membership and the terms of reference for the Licensing Committee will be established at the Annual General Meeting of the Council.

The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting. The prevailing scheme of delegation will be attached to this Policy as Appendix B

Details of all committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

3.3 Giving Reasons for Decisions

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear and relevant reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable and, in all cases, within the statutory time frames. A summary of the decision shall also be posted on the Council's website as soon as practicable after the decision has been confirmed.

3.4 Licensing Reviews

The Licensing Authority will carry out a review of a premises licence either of its own volition or following receipt of an application for review

in accordance with the Act that is relevant to one of more or the licensing objectives. It is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

Due consideration will be given to all relevant representations unless they fit the following:

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

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

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

4 Local Standards

4.1 Applications

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or has made an application for an operating licence which has not yet been determined. (Note: Race Tracks do not require an operating licence in order to apply for a premises licence.)

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the licensing objectives in the form of a written operating schedule and a local risk assessment in accordance with the Social Responsibility code (LCCP). The applicant may ask the Licensing Authority for advice as to the scope of information to be provided. (see section 9)

The level of detail to be provided will be advised by the Licensing Officer and will be proportional to the scale and nature of the application made.

Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in sections 1.3, 1.8 & 1.9.

4.2 Assessment of Need

In accordance with Section 153 of the 2005 Act, when deciding whether or not to grant a licence, the Licensing Authority will not have regard to the expected demand for gambling premises that are the subject of the application.

4.3 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Licensing Authority will draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Any conditions attached to licences will be proportionate and will be:

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

The Licensing Authority expects applicants to offer their own suggestions as to ways in which the licensing objectives can be effectively met. In order to inform such suggestions, applicants will be expected to prepare risk assessments based on the location and range of clientele of the premises, and to take account of any local area profile produced by the Council. For further details see section 9.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. (See section 7)

The Council will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television (CCTV) may be appropriate in certain premises.

In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

It is noted that there are conditions, which the Council cannot attach to premises licences, which are:

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

4.4 Enforcement

The Licensing Authority is committed to the principles and approach to enforcement set out in the Regulators' Code, and will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

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

As per the Gambling Commission's Guidance to Licensing Authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The Licensing Authority will adopt and implement a risk-based inspection programme, based on;

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

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

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

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with South Yorkshire Police and South Yorkshire's Fire and Rescue Service on enforcement issues to ensure an efficient deployment of resources.

4.5 Casinos

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games, whereby casino games are defined as a game of chance, which is not equal gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house at different odds to their fellow players.

The Licensing Authority has not passed a 'no casino' resolution under the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be taken by the Full Council.

4.6 Adult Gaming Centres

Adult Gaming Centres are a category of premises introduced by the Act. They are allowed to have limited numbers of Category B and any number of Category C & D gaming machines and are not allowed to admit under-18s.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. (See section 7)

4.7 (Licensed) Family Entertainment Centres

Licensed Family Entertainment Centres are permitted to provide both Category C & D Gaming machines and must ensure that under 18s have no access to Category C machines.

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. (See section 7)

4.8 Bingo Premises

The Act does not define Bingo, but previous legislation divided this category into Cash Bingo, played in commercial Bingo Halls and Prize Bingo, traditionally played in arcades or travelling funfairs. As Bingo premises can provide Category B, C & D Gaming machines, under 18s must not be allowed access to Category B & C machines, if provided.

The Licensing Authority will take note of the Gambling Commissions guidance and look to ensure that those issues whereby machines of category C or above are available there are sufficient precautions in place so that they are not available to persons under 18. The Licensing Authority will also take note of any further guidance issued. (See section 7)

4.9 Betting Premises

Betting premises are premises such as bookmakers and betting offices where various types of gambling are allowed to take place. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. (See section 7)

Betting machines - The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. (See section 7)

4.10 Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'totaliser' or 'tote'), and also general betting, known as 'fixed-odds' betting.

These premises may be subject to one or more premises licence. The Licensing Authority will expect applicants to demonstrate suitable measures to ensure that persons under 18 do not have access to adult only gaming facilities and will take into account any guidance issued by the Gambling Commission in relation to these premises. (See section 7)

It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (See section 7)

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which persons under 18 are excluded. (See section 7)

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer. (See section 7)

4.11 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met. Travelling fairs have the right to provide an unlimited number of category D gaming machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

The Licensing Authority will ensure that any fair complies with the requirements of the regulations.

4.12 Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit'.

The Licensing Authority requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) be able to demonstrate:

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

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.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;

the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4.13 Unlicensed Family Entertainment Centres (FEC)

Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.

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 and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.

The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant.

The Licensing Authority will expect the applicant to submit a plan of the building and show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. (See section 7)

This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

4.14 (Alcohol) Licensed Premises

Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be

considered 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. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to vulnerable persons the applicant could consider the provision of information for support services that offer advice. (See section 7)

4.15 Club Gaming and Club Machine Permits

Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miners' Welfare Institutes are defined as associations established for recreational or social purposes.

Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

4.16 Temporary Use Notices

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

These notices should not be used to permit regular gambling in a place that could be described as one set of premises. 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's Guidance to Licensing Authorities.

4.17 Occasional Use Notices

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

4.18 Small Society Lotteries

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

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

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

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

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

The Licensing Authority places a considerable importance on the prevention of crime and disorder, and will do all it reasonably can to prevent crime and disorder in the Borough. A high standard of control is therefore expected to be exercised over licensed premises.

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

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.

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

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

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors, for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

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

The Licensing Authority has noted the Gambling Commission states that it generally does 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 relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the control of the Gambling Commission.

However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Commission's Code of Practice.

The Licensing Authority is also aware of the special circumstances that apply to Tracks with regard to operator and premises licences.

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

7.1 Access to Licensed Premises

With limited exceptions, the access of children and young persons under 18 to those gambling premises, which are adult only environments, will not be permitted.

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

The Licensing Authority will consult with the Doncaster Safeguarding Children Board and with other relevant bodies, on any application that indicates there may be concerns over access for children or vulnerable persons.

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

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

The Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

7.2 Vulnerable Persons

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

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to impaired capacity resulting from mental health or disability problems, alcohol or drugs.

The Licensing Authority will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Whilst the Licensing Authority acknowledges that it may

be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the Licensing Authority would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.

7.3 Measures for Protecting Children and Vulnerable Persons from being harmed or exploited by gambling

This Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

Applicants may consider measures to meet the licensing objective for protecting and supporting children and other vulnerable persons such as:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises: Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
 - stickers or notices on gaming machines to identify the stakes/prizes
 - Fixed Odds Betting Terminals should clearly display the odds
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
- Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who may be vulnerable.
- Training for staff for the purpose of identifying and providing support to vulnerable persons
- Measures/training for staff on how to deal with children on the premises, for example suspected truancy from school.

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

The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant.

Any conditions attached to licences will be proportionate and following the principles set out in Section 4.3

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

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

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

7.4 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the

entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

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

Consulatatative Document

8. Complaints against Licensed Premises

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

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially mediate to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections.

Due consideration will be given to all relevant representations unless they fit the exceptions detailed in section 3.4 of this policy.

9. The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice 2015 (LCCP)

The Gambling Commission released the LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from 6 April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from 6 April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

9.1 Risk Assessments

Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of

policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.;
- The ethnicity, age, economic makeup of the local community.

The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

9.2 The Local Area

The Council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including:

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker/pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

9.3 The Gambling Operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;
- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place;
- How it advertises locally and on the premises;

- The marketing material within the premises;
- The display and provision of information, etc.

9.4 The Design of Premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

These would be identified risk factors that would need to be documented.

This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

9.5 Local Area Risk Profile

The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.

The Licensing Authority will endeavour to ensure an up to date Local Area Risk Profile for the Doncaster Borough is published and readily available.

Whilst not forming part of this policy, the Local Area Risk Profile for the Doncaster Borough is expected to include data and maps which show the distribution of gambling premises and:

- Educational establishments;
- Relevant leisure facilities;
- Medical facilities, care homes, and temporary accommodation etc.;
- Places of worship;
- Hot spot areas combining the educational establishments/leisure facilities/medical facilities
- Areas of deprivation;
- Areas of unemployment;
- Areas where residents claim working age benefits;
- Areas of poor mental health;
- Violence hot spots;
- Drug and alcohol hot spots.

If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:

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

10. Further information

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Tel: 01302 737590
E-mail: licensing@doncaster.gov.uk
Website: www.doncaster.gov.uk/licensing

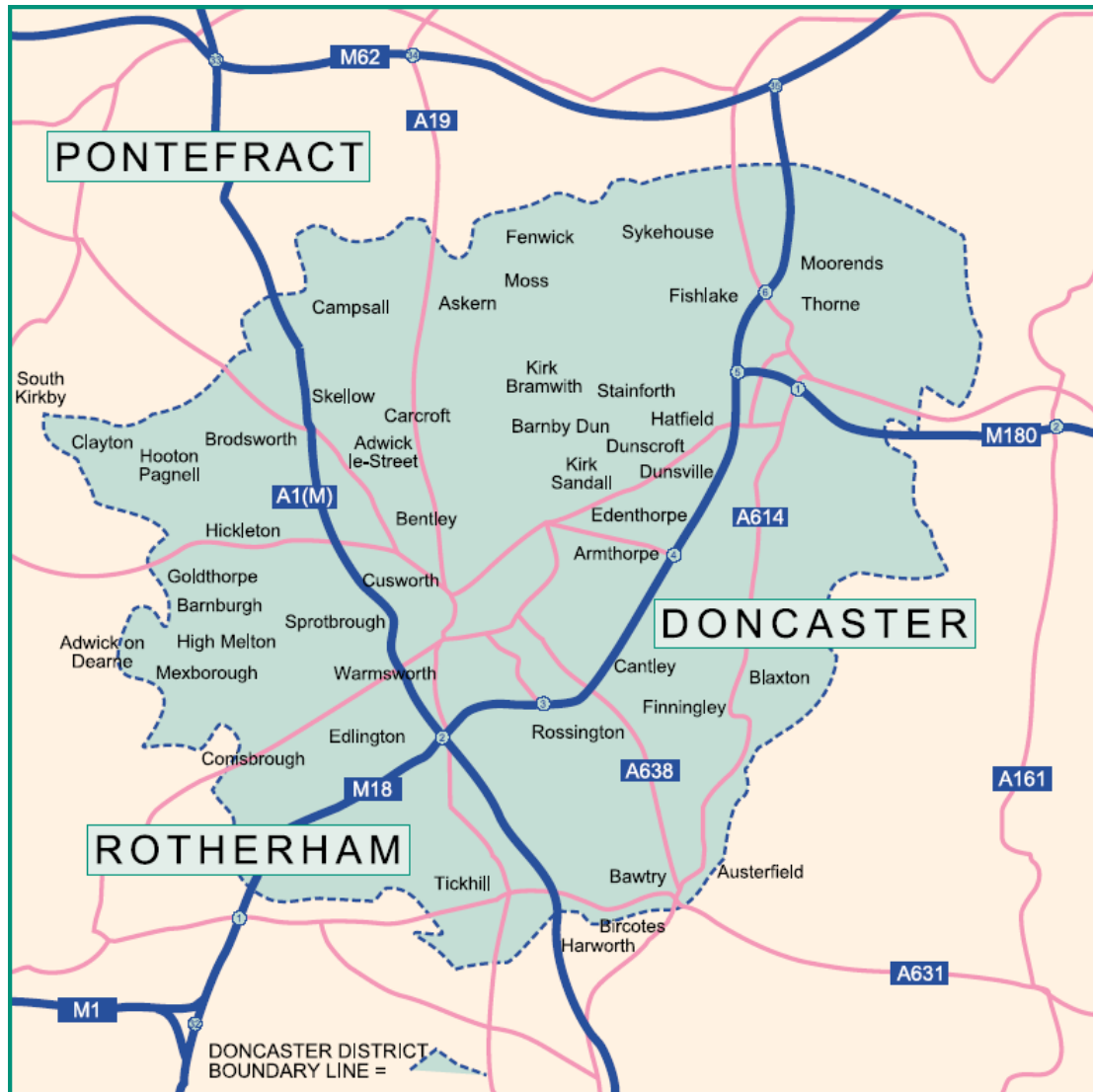
Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

APPENDIX A

The area of South Yorkshire administered by Doncaster Council



APPENDIX B

**Delegation of Functions - Gambling Act 2005
Determined by the Licensing Committee on the 25th June 2015**

Matters to be dealt with	Sub-Committee	Officers
Application for premises licences	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence	Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence	All cases	
Application for club gaming /club machine permits	Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	

26th November, 2015

**To the Chair and Members of the
COUNCIL**

REVISIONS TO THE COUNCIL'S CONSTITUTION

EXECUTIVE SUMMARY

1. This report presents proposed revisions to the Council's Constitution in relation to the Council Procedure Rules (Section 1, Part 4 of the Constitution) and the Executive Procedure Rules (Section 4, Part 4 of the Constitution). In accordance with its remit to propose Constitutional revisions to Council, at its meeting held on 24th November 2015 the Elections and Democratic Structures Committee (EDSC) considered these proposals, together with a request made at the Council meeting in September 2015 that members of the public should be permitted to submit motions at Council meetings. The Chair of EDSC, Councillor Phil Cole, will therefore confirm at the Council meeting the recommendations agreed by EDSC in respect of the revisions outlined in this report.

RECOMMENDATIONS

2. The Council is asked to consider and support the recommendations of EDSC, to be reported at the Council Meeting, in relation to:
 - a) proposed amendments to the Council Procedure Rules, as outlined in paragraphs 4 and 5 of this report;
 - b) proposed amendments to the Executive Procedure Rules, as detailed in Appendix A to the report, and
 - c) a request that Motions by the Public are permitted at Full Council meetings in future (see paragraph 10 of this report).

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The proposed revisions to Procedure Rules outlined in this report are aimed at ensuring that questions put by members of the public and elected Members at Council and Cabinet meetings are managed effectively and in a fair and consistent manner.

BACKGROUND

Proposed revisions to Council Procedure Rules 13.7 and 15.6

4. The Constitution sets out the procedure which governs ‘Question Time’ at Council meetings, and specifically questions on notice from both members of the Public and from Elected Members. Paragraphs 13.7 and 15.6 of Council Procedure Rules state that questions submitted and subsequently published on the Council Summons will be taken as read at the meeting.
5. At its meeting on 24th September 2015, the Council agreed to produce an audio visual recording of future Council meetings which would be available to view via the Council’s website. This will commence with effect from the Council meeting on 26th November 2015 and the recording is expected to be made available shortly after this date. In order to ensure that those viewing the recordings are able to follow the proceedings, it is necessary to amend the Council Procedure Rules (CPRs) so that questions on notice are read out at meetings, instead of being “taken as read”. This will, in fact, mark a return to previous arrangements, as these particular Rules did historically allow for questions to be read out. It is suggested that the Chair of Council should read out the question as this will both aid the management of the meeting and ensure that the question is read out as printed upon the agenda. Accordingly, the following amendments to the CPRs are therefore proposed (new text is shown in bold italics):

Current CPR wording	Revised CPR wording
<p>13. QUESTIONS BY THE PUBLIC</p> <p>13.7 Considering the question at the meeting</p> <p>Questions submitted by members of the public and subsequently published on the Council Summons will be taken as read at the meeting. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair’s permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.</p>	<p>13. QUESTIONS BY THE PUBLIC</p> <p>13.7 Considering the question at the meeting</p> <p><i>The Chair will read out the question as it appears upon the agenda.</i> A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair’s permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.</p>

<p>15. QUESTIONS BY MEMBERS</p> <p>15.6 Response</p> <p>Every question submitted by a Member and subsequently published on the Council Summons will be taken as read at the meeting and answered without discussion, but the Member to whom it is put may decline to answer it.</p> <p>A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Committee or Sub-Committee to whom the question is put shall be provided to the Member asking the question at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish.</p>	<p>15. QUESTIONS BY MEMBERS</p> <p>15.6 Response</p> <p><i>Every question shall be put</i> and answered without discussion, but the Member to whom it is put may decline to answer it. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Committee or Sub-Committee to whom the question is put shall be provided to the Member asking the question at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish.</p> <p><i>If a Member who has submitted a written question is unable to attend the meeting, the Chair will read out the question on the Member's behalf, and a copy of the answer given will be provided to the Member following the meeting.</i></p>
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Proposed revisions to Executive Procedure Rules

6. Since 2012, members of the public and Elected Members have been able to ask questions and/or make statements directly to the Mayor at Cabinet meetings in relation to an item on the agenda or on wider Executive functions. This arrangement is covered by Executive Procedure Rule 2.3 (Executive Meeting Agenda), which provides for a period of time not exceeding 20 minutes in total to be allocated for questions from members of the public to the Elected Mayor at each meeting of the Cabinet, i.e. questions **without** notice.
7. Whilst the Mayor is keen to engage with the public at Cabinet meetings the current arrangements have given rise to a number of areas that could be improved:
 - Because the questions do not always relate to issues on the Cabinet agenda, and are not submitted in advance, it is often difficult to provide a comprehensive answer, where technical detail or further research is required. This is not helpful for the public seeking a response to their question at the meeting.
 - Lack of notice of questions in advance also means that, where there is ambiguity, there is no opportunity to seek clarity from the questioner over the question or the information being requested prior to the meeting.
 - Receiving questions without notice and which do not relate to the business on the agenda is inconsistent with other Constitutional procedures currently in place, e.g. questions from the public at Council meetings, which must be

on notice and public statements at Overview and Scrutiny Panels, which must relate specifically to an item on the agenda. Questions have been received upon matters which either do not relate to the Agenda, or to matters within the influence of the Mayor or Cabinet or on some occasions matters which do not fall within the remit of the Council as a whole.

8. For the reasons outlined above, a number of options have been considered in consultation with Mayor Ros Jones, with the aim of ensuring that arrangements at Cabinet meetings are consistent with other processes currently used by the Council and ensure the public receive a more meaningful response to their question. As a result, the following recommendations are proposed to improve the current arrangements:
- Request questions/statements on notice, e.g. no later than 5.00 p.m. of the third working day before the day of the meeting (e.g. with Cabinet currently meeting on Tuesdays, the Cabinet agenda is published no later than 17.00 on Monday and questions must be received no later than 17.00 on Thursday);
 - Questions/statements should relate specifically to an item of business on the Cabinet agenda and be limited to a maximum of 100 words;
 - One supplementary question without notice will be allowed, at the Chair's discretion, provided that this arises directly out of the original question/statement or reply, and this will be put and answered without discussion.

These new arrangements will need to be reflected in the Executive Procedure Rules set out in Section 4, Part 4 of the Council's Constitution, by the addition of new Rules which are detailed in **Appendix A** to this report.

9. The facility for members of the public to ask questions/make statements at Cabinet Meetings is aimed primarily at providing the public with an opportunity to speak on issues that are to be discussed at Cabinet. This might help with clarification of an issue or understanding of why a proposed course of action is being recommended, for example. Where the public wish to engage with the Elected Mayor on wider Executive issues other than those on Cabinet agendas, there are other existing mechanisms which allow them do this, such as question time at Council meetings, email and other correspondence, deputations, petitions and the Mayor's monthly meetings held throughout the Borough.

Request to allow Motions by the Public to the Council

10. Arising from a question from Mr. D. Wright at the Council Meeting held on 24th September 2015, the Mayor of Doncaster, Ros Jones agreed to refer to the EDSC Mr. Wright's request that members of the public should be allowed to submit Motions to Full Council meetings in future, for consideration by the Committee under its remit to recommend Constitutional revisions to Full Council. The Chair of EDSC, Councillor Phil Cole, will therefore report on the outcome of EDSC's discussion of this matter, and any resulting recommendations, at the Council meeting.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

11. Options for making possible revisions to the Council/Executive Procedure Rules within the Constitution are outlined in the main body of this report.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

12.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	The Question Time facilities at Council and Cabinet meetings allow the public to influence decision making, have their say and enhance accountability. The Procedure Rules referred to in this report will help to ensure that these arrangements are managed on a fair and consistent basis and that, as far as possible, full answers are provided to questioners at meetings.

RISKS AND ASSUMPTIONS

13. The proposed revisions detailed in this report do not carry any particular risk to the Authority.

LEGAL IMPLICATIONS

14. There are no specific legal implications arising from the proposed changes to Procedure Rules. As these are changes to the Council's Constitution, a decision of Full Council is required to agree the revisions.

FINANCIAL IMPLICATIONS

15. There are no specific financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS

16. There are no specific Human Resources implications associated with this report.

TECHNOLOGY IMPLICATIONS

17. There are no specific technology implications arising from this report.

EQUALITY IMPLICATIONS

18. Where there are any specific equality issues arising from the requirement to submit written questions, officers in Governance Services will be available to provide advice and support to members of the public in need of assistance.

BACKGROUND PAPERS

19. Part 4 (Rules of Procedure) of the Council's Constitution.
Report to EDSC 24th November 2015 – Revisions to the Council's Constitution.
Minute No. 26 of Full Council Meeting held on 24th September 2015.

REPORT AUTHOR & CONTRIBUTORS

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and Monitoring Officer

PROPOSED NEW EXECUTIVE PROCEDURE RULES

QUESTIONS AND STATEMENTS AT EXECUTIVE MEETINGS

“Question Time” sessions for questions/statements from members of the public and Elected Members under Rule 3 (lasting for a maximum of 20 minutes in total) shall be held at ordinary meetings of the Executive.

3. QUESTIONS AND STATEMENTS BY THE PUBLIC/ELECTED MEMBERS

3.1 General

Members of the public i.e. people who are residents of the Borough and Elected Members may ask questions and/or make statements at any ordinary meeting of the Executive in relation to an item of business on the agenda.

3.2 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Mayor no later than 5.00 p.m. of the third working day before the day of the meeting. Each question or statement must give the name and address of the person submitting it. Questions/statements should be sent to the Governance Services , Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU or by email to democratic.services@doncaster.gov.uk.

3.3 Scope of Questions

Each person will be allowed to submit one question/statement per meeting. Questions/statements should be limited to a maximum of 100 words.

The Mayor may reject a question/statement if it:

- is not a matter which relates to an item of business on the agenda for the next scheduled ordinary meeting of the Executive;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Executive in the past three months;
- requires the disclosure of confidential or exempt information; or
- is submitted by a person who is a not a resident of the Borough.

3.4 Considering the question/statement at the meeting

Copies of all questions/statements to be heard will be made available to the public attending the meeting. The Mayor will invite the person(s) to read out their question/statement. A copy of the intended response from the Mayor shall be provided to the person submitting a question/statement at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a person who has submitted a question or statement is unable to attend the meeting, the Mayor will read out the question/statement on the person's behalf, and a copy of the answer given will be provided to them following the meeting.

3.5 Supplementary question

If the Chair permits, a member of the public or Elected Member asking a question or making a statement under Rule 3.1 may ask one supplementary question without notice. The supplemental question must arise directly out of the original question/statement or the reply and shall be put and answered without discussion.

3.6 Written answers

Any question which cannot be dealt with during public question time due to lack of time or any other reason will be dealt with by a written answer provided within 2 weeks of the meeting.

3.7 Record of answers

Details of all questions/statements made and the responses given shall be included in the decision record of the meeting.

EQUALITY, DIVERSITY AND INCLUSION

DONCASTER METROPLITAN BOROUGH COUNCIL

Due Regard Statement Template

How to show due regard to the equality duty in how we develop our work and in our decision making.

Due Regard Statement

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced needs to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix
- The DRS cannot be fully completed until the programme, project or change is delivered.

1	<p>Name of the ‘policy’ and briefly describe the activity being considered including aims and expected outcomes. This will help to determine how relevant the ‘policy’ is to equality.</p>	<p>Revisions To The Council’s Constitution – Questions & Statements By The Public /Elected Members</p> <p>The Council’s Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. In order to improve the opportunity for public engagement with Cabinet, in terms of asking questions relating to agenda items and receiving a timely and considered response, members of the public will be asked to submit any relevant questions in writing 3 days prior to the meeting. This will improve the outcomes for the members of public as they will receive a verbal response at the same meeting at which the questions is asked.</p> <p>One supplementary question without notice will be allowed, at the Chair’s discretion, provided that this arises directly out of the original question/statement or reply, and this will be put and answered without discussion. This provides an opportunity for clarity or consideration of additional, relevant information.</p> <p>Providing questions in advance is consistent with the process used for questions by the public at Full Council meetings. This approach has been in place for a number of years and has proved effective and is consistent with the approach adopted by other Councils.</p>
2	<p>Service area responsible for completing this statement.</p>	<p>Legal and Democratic Services</p>
3	<p>Summary of the information considered across the protected groups.</p>	<p>As part of the ‘due regard’ process for this proposed change we established the key elements of the revised process and considered these in relation to the protected characteristics outlined in the Public Sector Equality Duty.</p> <p>Elements of the process</p> <p>The revised process would require members of the public to have the ability to submit the question, electronically or in writing, 3 days prior to the meeting</p>

<p>Service users/residents</p> <p>Doncaster Workforce</p>	<p>Implications against the protected characteristics</p> <p><u>Disability</u> – If someone was unable to submit a question due to a disability, we would provide support, via an officer, to assist in the preparation and submission of the question. This might include a face to face or phone conversation to establish the question and its validity and help ensure the question is submitted in the appropriate format, either email or written, by the member of public being assisted by the appointed officer. A written response will be provided at the start of the meeting to the member of the public that asked the question to enable them to consider any supplementary question before the verbal response from the Chair. The written response will be forwarded to any member of the public asking a question who is unable to attend the meeting to ensure they have a record of the reply.</p> <p>The change to the process has no impact on the accessibility of the Civic Office. However, the revision to the process does allow a member of the public who is unable to attend the meeting the opportunity to ensure they can ask, and receive a response, to their question.</p> <p><u>Race</u> – If the member of public is not able to submit the question in English, or understand the response, support will be provided by the Customer Services Team and/or an officer within Governance Services, in line with the agreed corporate approach. Each request would be assessed on the individual’s circumstances with a view to ensuring the appropriate support can be given to assist in the submission of the question.</p> <p>To assist both the protected groups detailed above staff in Customer Services and Business Reception will be briefed on the new process and will be able to assist the public sensitively and discreetly. Where necessary the individual may be referred to an officer based in Governance Services if further help or support is required.</p> <p>To raise public awareness and understanding of the new procedure the revised process</p>
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		<p>will be included on the Council's website .</p> <p>During this assessment we have identified no implications that would impact specifically on the following characteristics:</p> <ul style="list-style-type: none"> • Age • Sexual Orientation • Religion and Belief • Maternity and Pregnancy • Gender Reassignment • Marriage and civil partnership.
4	Summary of the consultation/engagement activities	<p>No formal consultation was undertaken. Best practice from other local authorities was considered.</p> <p>The issue is being considered by the Election and Democratic Structures Committee on 24th November 2015.</p>
5	Real Consideration: Summary of what the evidence shows and how has it been used	<p>The evidence from the previous arrangements indicated that by not submitting questions in advance:</p> <ul style="list-style-type: none"> • It was often difficult to provide a comprehensive answer, particularly where further research or technical detail is required. • Sometimes there was misunderstanding or ambiguity over the question being asked. • This process was not consistent with other processes e.g. questions at Council which are submitted in writing in advance. <p>The new arrangements seek to address the above issues.</p>
6	Decision Making	To be completed after decision taken
7	Monitoring and Review	To be completed after decision taken
8	Sign off and approval for	To be completed after decision taken

publication	
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26th November, 2015

To the Chair and Members of the COUNCIL

APPROVAL OF COUNCILLOR ABSENCE

EXECUTIVE SUMMARY

1. This report requests Council to note the action taken by the Monitoring Officer under delegated authority in approving the request from Councillor Ted Kitchen for an extension of absence from attendance at meetings due to ill health until 22nd February, 2016.

RECOMMENDATIONS

2. It is recommended that in accordance Section 85 of the Local Government Act 1972, the action taken under delegated authority by the Monitoring Officer in approving an extension of absence from attendance at meetings due to ill health for Councillor Ted Kitchen until 22nd February, 2016, be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. The proposal set out in this report, provides an efficient mechanism to administer arrangements for long term absences due to ill health. If delegated authority had not been given to the Monitoring Officer, only Full Council could approve an extended period of absence for a Councillor who had not attended a meeting for a period of 6 months. If such an approval is not given, the absent Member will cease to be a Member of the Authority. In addition, the reduction in the number of formal Council meetings risks the possible need to convene an extraordinary meeting of Council to consider such requests.

BACKGROUND

4. At its meeting on 27th November, 2014, Council granted Monitoring Officer delegated authority to approve extended periods of absence for Members. Any request is to be submitted in writing to the Monitoring Officer prior to the expiration of the fifth month of absence, and if satisfied that the grounds for such a request was reasonable, such approvals are to be reported to the next available meeting of Council by the Monitoring Officer, for information.
5. Members may be aware that Councillor Ted Kitchen is currently unwell and unlikely to be able to resume normal duties for some time.

6. Section 85 of the Local Government Act 1972, provides that if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the Authority, he/she shall cease to be a Member of the Authority, unless the failure is due to some reason approved by the Authority before the expiry of that period.
7. Councillor Ted Kitchen's last recorded attendance was at the Annual Meeting of Council on the 22nd May, 2015, which in normal circumstances would mean that Councillor Kitchen would be required to attend a meeting of the Authority before the 22nd November, 2015.
8. Councillor Kitchen has indicated that he is unlikely to be able to resume normal duties for some time and therefore, to avoid disqualification, the Monitoring Officer approved his absence for an extended period until the 22nd February, 2016.

OPTIONS CONSIDERED& REASONS FOR RECOMMENDED OPTION

9. (A) Support the recommendation set out at paragraph 2 of this report. (RECOMMENDED OPTION)
- (B) In the event that the Monitoring Officer did not feel able to approve the request, there may be no further qualifying meetings held before 22nd November, which may have resulted in calling an extraordinary meeting of Council to consider the request.

IMPACT ON THE COUNCILS KEY OUTCOMES

10.

	Priority	Implications
	Working with our partners we will provide strong leadership and governance.	Approving the request for the extension of absence from attendance at meetings has streamlined the approval process for such requests and possibly reduced costs if an extraordinary meeting had to be convened to consider such a request.

RISKS AND ASSUMPTIONS

11. If the Monitoring Officer decided not to approve Councillor Kitchen's absence and he is unable to attend a meeting prior to 22nd November, 2015, a casual vacancy would arise.

LEGAL IMPLICATIONS

12. These are contained within the body of the report.

FINANCIAL IMPLICATIONS

13. There are no specific financial implications associated with this report.

HUMAN RESOURCES IMPLICATIONS

14. There are no specific human resources implications associated with this report.

TECHNOLOGY IMPLICATIONS

15. There are no specific technology implications associated with this report.

EQUALITY IMPLICATIONS

16. There are no specific equality implications arising from this report.

CONSULTATION

17. Consultation with the Labour Group has taken place with regard to Councillor Kitchen's current well-being.

BACKGROUND PAPERS

Request from Councillor Ted Kitchen

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Jo Miller
Chief Executive

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**POLICE AND CRIME PANEL
11th September, 2015**

Present:-

Barnsley Metropolitan Borough Council

Councillor M. Dyson
Councillor R. Frost

Doncaster Metropolitan Borough Council

Councillor A. Jones
Councillor C. McGuinness

Rotherham Metropolitan Borough Council

Councillor C. Vines
Councillor E. Wallis

Sheffield City Council

Councillor J. Armstrong
Councillor I. Bowler (**Chair**)
Councillor J. Campbell
Councillor J. Otten

Co-opted Member

Mr. Alan Carter

F11. QUESTIONS FROM MEMBERS OF THE PUBLIC

11.1 A member of the public asked the following question:-

"As a layman and member of the public I have been led to believe and had the understanding that the police force as a whole was free of external influences with its mandate with respect to monitory, commercial political etc. influences. That is principal objectives were to "keep the peace" and "maintain the law" within society.

If you accept the above in principal could you explain why we are displaying on police cars the flag of a national organisation I believe within South Yorkshire only."

11.2 Due to this question being of an operational nature, it was a matter for the Police Force and the Police Commissioner. The Chair had made the Commissioner aware of question and would respond direct to the member of the public.

Action:- That the response to the question be reported to the next meeting.

11.3 A member of the public asked the following questions:-

“(a) Please provide an update on the appointment of an additional independent member.

(b) Please add contact details on the agenda for submission of public questions e.g. e-mail address. There was also nothing mentioned on the agenda page that the meeting is to be webcast and extremely difficult to find out where you could access it.

(c) It is difficult to find details of public meetings on the Police and Crime Commissioner’s website e.g. dates, times, venues etc. Please clarify. In particular, 1 issue that was not mentioned were PACT meetings. These were agreed a few years ago to have local meetings with local Police Officers and various officers for members of the public to ask questions. We asked questions on this to the previous Police and Crime Commissioner and he did support them. They do still exist but not very well publicised so the public did not know when and where they were held.

(d) Your website has a Police and Crime Panel Sub-Committee which last met on 7th July, 2014. Please confirm if this still exists and if so who are its members and what is its function.”

11.4 With regard to question (a), the Chair reported that interviews were to take place later that day with, hopefully, an announcement being made as to the newly appointed independent member the week beginning 14th September.

11.5 With regard to question (b), the Chair agreed that it should be clear as to how a member of the public could submit a question.

Action:- That Officers include on the agenda page details of how to submit a question together with a link to the webcast – Immediate.

11.6 With regard to question (c), the Commissioner stated that he attended a number of public meetings by invitation; his Office would have to look at whether it was appropriate for them to be included on the OPCC’s website due to them not being meetings they had organised.

There was some confusion around PACT meetings in that they were Partners and Communities Together and not “Police” and should include the local authority, the Health Service etc. Police engagement at such meetings was currently under review with the Commissioner due to receive a report very shortly with the aim of ensuring attendance at meetings that were the most productive.

11.7 With regard to question (d), the Chair reported that there was a provision for a Sub-Committee of the Panel to be established to look at complaints. The Sub-Committee would consist of 3 Panel members and be convened as and when required. This would be clearer when the Complaints Procedure was refreshed.

F12. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH JUNE, 2015

12.1 Consideration was given to the minutes of the previous meeting of the South Yorkshire Police and Crime panel held on 29th June, 2015.

Action: That the minutes of the previous meeting held on 29th June, 2015, be approved for signature by the Chair.

12.2 Arising from Minute No. 3.2 (focussed scrutiny), the Chair proposed that an item be included on a future agenda looking at public engagement by the Commissioner.

Action:- That a briefing be prepared by the Police and Crime Commissioner highlighting current engagement to enable the Panel to discuss current activities and recommend any additions or changes in engagement work.

12.3 Arising from Minute No. 3.3 (independent co-optee Panel member), it was noted that interviews were to take place later that day.

12.4 Arising from Minute Nos. 4.4 (visit to Atlas Court), possible dates were now available for the visit of 22nd, 23rd and 28th October, 2015.

Action:- Deborah Fellowes, Scrutiny Manager, to circulate dates to Panel members and co-ordinate the responses – Immediate

12.5 Arising from Minute No. 5.4 and 5.5 (Performance Framework), the Chair proposed that a workshop training session be held in advance of the October Panel to discuss performance monitoring, the measures that the Panel would be looking at in the Commissioner's Performance Framework and how they could be effectively scrutinised. A report would be then given to the meeting.

Action:- That arrangements be made for a workshop session to be held in advance of the October Panel meeting – Deborah Fellowes, Scrutiny Manager – Immediate

12.6 Arising from Minute No. 6.4 (Capital Programme), although there was inclusion in the budget monitoring report, a more detailed report on the Capital Programme specifically was required.

Action:- That the OPCC submit a detailed Capital Programme report to the next Panel meeting

12.7 Arising from Minute Nos. 7.5 and 7.6 (Complaints Procedure), it was noted that due to holidays/absences, the report had not been included on the agenda.

Action:- That the revised Complaints Procedure be submitted to the October Panel meeting – Stuart Fletcher, Legal Adviser

F13. BUDGET MONITORING - FIRST QUARTER 2015/16

13.1 Consideration was given to a report of the Chief Finance Officer relating to the budget monitoring for the first quarter of the 2015/16 financial year.

13.2 The PCC had approved a net revenue budget of £240M for 2015/16. This was the amount financed by Government grant and Council Tax income. The precept set by the PCC represented an increase of 1.95%; the level of Government grant fell by 4.7% compared to the amount for 2014/15.

13.3 Currently the budget monitoring was forecasting an approximate £3.8M overspend. The most significant issues behind the projected overspend were:-

- Costs of Police Officers, Police staff and Police pensions – forecast underspend of £6M partially offset by the cost of severance payments forecast to amount to approximately £3M
- Costs associated with the investigation of child sexual exploitation allegations – potential overspend of approximately £7M
- Provision of National Police Air Service – forecast to exceed budget by £0.7M
- Hillsborough Inquests costs – currently exceeded grant funding by approximately £0.4M
- Financial Reserves

13.4 South Yorkshire was dealing with a set of challenges and difficulties not experienced by any single force or Police and Crime Commissioner elsewhere in England and Wales. There were considerable uncertainties that could mean that the final outturn for 2015/16 was significantly different from that currently forecast.

13.5 Decisions of the Home Secretary in respect of Special Grant applications submitted by the Police and Crime Commissioner would be crucial in providing a degree of certainty about funding but would not be known until later in the year. Also the use of a "1% rule" may only have a marginal impact on the final outturn.

13.6 There were indications that the level of Government funding for Policing could be cut by up to 8% per annum from April 2016 as a result of the 2016/18 Finance Settlement due to be announced in December, 2015. This was greater than the 5% reduction assumed in the Medium Term Financial Strategy. If this were to be the case, there would likely be one-off costs that would require funding in 2016/17 from reserves including the potential for further severance/redundancy costs.

13.7 Dr. Billings, Police and Crime Commissioner, placed on record his thanks to the Home Secretary who had listened to the additional representations that had been made and had increased the amount she was prepared to give South Yorkshire for the first 2 years of the Hillsborough Inquiry. Although the Special Grant for the reimbursement of costs incurred in 2015/16 had been limited to £1M, she had also said she would be prepared to listen when applications were made for Special Grant funding.

13.8 Issues raised following the presentation included:-

- The new local policing model was being rolled out across South Yorkshire, following the pilot in Doncaster from which there would be lessons to be learnt, and the whole culture of the Police Force had to change. The new model brought together all uniformed Officers, Neighbourhood Teams and Response Officers together into one team requiring them to have a local neighbourhood focus and manage all matters within their own local policing team working to a common shift pattern. There would be new technology used which would enable them to stay in the neighbourhoods longer rather than having to go back to the Police Station. It would remove a lot of Officer costs but overall numbers were falling so all had to be managed carefully. This was one of the consequences of the continuing pattern of austerity and the fact that the Police was no longer a protected service with difficult choices having to be made. It was a coincidence that at the same time as South Yorkshire was moving to the new policing model it also had to reduce numbers.
- There had to be a move away from thinking about the four areas of South Yorkshire but 1 Police Force that responded to the needs wherever they were with the resources deployed appropriately.
- Based on the information available at the present time, the £11M Insurance Reserve set aside for potential Child Sexual Exploitation claims was at the correct level. However, it would be kept under review and revised accordingly.
- Members of staff, including civilians, had had to submit an expression of interest in redundancy. In order to minimise the impact on the 2016/17 revenue budget, given the very difficult nature of the challenges to be faced, it was considered to make the cost self-financing for the 2015/16 financial year. Two rates of redundancy

payment had been looked at and the enhanced rate selected due to the urgency. Not all expressions of interest had been successful.

- Hillsborough – a cost review exercise had been commissioned by the Commissioner of the law firms involved as well as auditors to look at the charges. The OPCC had been satisfied, as well as the auditors, that everything charged was legitimate and reasonable given the level of the Inquiry process. Once that external assurance had been received the Home Office had agreed to release funding. The eight Officers concerned had approached their own solicitors through their own staff associations. The Chief Constable's costs were separate and he secured his own representation and liaised with the Commissioner.
- Posts not being filled and the possible loss of expertise in particular areas was always a problem for the management for any organisation when downsizing. This was an operational matter for the Chief Constable.
- The Commissioner and Chief Constable had issued a joint statement calling for an end to the recent right wing protests that had taken place in Rotherham. Rotherham in particular was being hit on a frequent basis and at huge cost to the Force and highly disruptive to the people of Rotherham. The Force was seeking specialist legal advice to explore all options around the protests. The Home Secretary had recently stated that she would provide some of the costs to cover the EDL marches for the last year but would be subject to the 1% rule. £148,000 had been received but, given the difficult financial position faced by the Home Office and the Special Grant funding, it was unlikely that further grant money would be received particularly when there were the issues associated with the Hillsborough Inquiry. There may be potential funding towards the end of the financial year but would be dependent upon underspends elsewhere in the Home Office.
- Due to it being so early in the current financial year, the £3.7M projected overspend did not reflect the actions that had been taken by managers or the OPCC to bring expenditure back into line with budget. It was hoped that the position would improve but there was a range of very difficult issues that made the accurate forecast of the outturn position very difficult. South Yorkshire was facing a very difficult scenario financially for the next few years and could be much worse given the Spending Review.

Action: That the Panel note the projected financial position on the revenue budgets

Action: That the OPCC submit a report as soon as possible on the costs associated with the Hillsborough Inquiry to enable a full understanding of the actions being taken in an attempt to mitigate any future impact on the Police budget

Action: That the OPCC submit the Capital Programme to the October Panel meeting.

Action:- That the OPCC submit a report to the October Panel meeting on the 2 different redundancy payment rates and the rationale for choosing the enhanced scheme.

F14. ANNUAL REPORT

14.1 In accordance with the requirements of the Police Reform and Social Responsibility Act (2011), Dr. Billings, Police and Crime Commissioner, presented his draft 2014/15 annual report setting out how he had exercised his statutory functions as well as an overview of the work undertaken by the South Yorkshire Police Authority of its statutory functions between April, 2014 and March, 2015.

14.2 The main purpose of the report was to highlight performance against the functions of a Police and Crime Commissioner as set out in the Act and to demonstrate performance against the key objectives set out in the Police and Crime Plan.

14.3 It should be noted that the report included the following priority areas of the previous Police and Crime Commissioner:-

- Reduce Crime and Anti-Social Behaviour
- Protect Vulnerable People
- Improve Visible Policing

together with Dr. Billing's priorities for 2015/16 which were:-

- Protecting Vulnerable People
- Tackling Crime and Anti-Social Behaviour
- Enabling Fair Treatment

14.4 The reporting year was another very difficult year for all public services and Policing was not immune from the further significant cuts made by Central Government. The reduction in Government funding and the Service finding ways of running the service more efficiently had had the combined effect of £50M of cashable savings since 2007/08.

14.5 The Police and Crime Commissioner invited comments on the annual report and responded as follows:-

- The term anti-social behaviour covered a wide range of activity some of which may be the responsibility of the local authority. It was hoped that the new local policing teams would be better at managing certain aspects of anti-social behaviour working with other parent organisations, however, it had to be recognised that unless the Police engaged with those other partner organisation and brought the public with them, then some aspects of ASB would continue.
- Until publication of the Jay report, the scale of the problem had not been understood. A lot of work had taken place on changing the understanding in South Yorkshire Police, training Officers and co-locating Officers concerned with CSE with other professionals.
- Prosecution cases were being put together and would be taken to trial later in the year. However, it had to be recognised that some of the victims had been abused whilst quite young and were now in their late 20s/older and had new lives, partners and children. Some of them wanted to go to trial and bring the perpetrators to justice whilst others did not; some co-operated with the Police in bringing cases to trial and some did not; some victims and survivors were strong now but it was not known how they would be when they went to Court.
- A Victim, Survivor and Families Panel had been established and was helping with the training of Police Officers.
- Discussion would take place with the Chair of the Independent Ethics Panel as to whether it was appropriate for a member of the Police and Crime Panel to become a co-opted member. However, care would need to be taken so as not to confuse the scrutiny function.
- A review was underway of the use of the 101 facility and the ways in which members of the public could contact the Police. Satisfaction with the service appeared to have improved but that may be due to the volume of calls having reduced. Technology and additional staff resources were being considered.
- The growth in the use of legal highs, particularly on the part of young people, was very worrying and was on the Police's radar. A publicity campaign was being considered across South Yorkshire to alert people to the dangers and raise awareness. It was not known if the drug testing in custody suites was at a standard to cope with the legal highs.
- The use of body cams by Officers was an operational matter for the Chief Constable.
- The National Crime Agency was also involved looking at historic cases of CSE. The public's frustration was understood but there was a lot of work that had not been done previously to be done from which results would follow. Individual officers were being investigated on the

whole question of CSE particularly in Rotherham. A review by Professor John Drew had been commissioned for the whole of South Yorkshire to be absolutely clear about what was happening in Barnsley, Doncaster and Sheffield as well as Rotherham.

- Approximately one hundred Police Officers had been reported to the IPCC with the results of those investigations awaited. Twenty-four had been assessed in relation as to whether their misconduct needed to be investigated. The IPCC carried out a severity assessment and assessed whether the IPCC independently investigated, supervised or managed an investigation or whether it was given back to the Force to investigate. An Officer was not necessarily suspended – the decision was taken in light of whether they were front line or on restricted duty but not always suspended if there was no risk involved; it was at the discretion of those making the severity decision. The Vice-Chair reported that she had asked the IPCC for regular updates and it was her understanding that twenty-seven Officers have been served with Misconduct Notices. Forty-one instances were being investigated in relation to those twenty-seven Officers.

Action: That any comments on the draft annual report be forwarded to the OPCC by 18th September, 2015 – Immediate

Action: That consideration be given to inviting the Chair of the Independent Ethics Panel to a future meeting to enable Panel members to gain an understanding of its work programme and forward plan

Action: That the OPCC give an update to the next meeting on Police Officers being investigated in relation to CSE

Action: That the OPCC provide an answer to Councillor Otten regarding drug testing in custody suites

F15. NATIONAL CHILD PROTECTION INSPECTION - POST INSPECTION REVIEW

15.1 Dr. Billings, Police and Crime Commissioner, presented a report outlining actions resulting from the HMIC's National Child Protection Inspection Post Inspection Review. It was noted that the review was not specifically about Child Sexual Exploitation but child protection issues in general.

15.2 As part of a rolling programme of child protection inspections of all police forces in England and Wales, HMIC had published an initial report in September, 2014, which found that South Yorkshire Police had an inconsistent approach to child protection and improvements to the care of children in custody. Following a post inspection review in April 2015, Inspectors were pleased to find:-

- Improvements to the Force's initial response when attending incidents involving children at risk
- Child protection had been prioritised and there was a strong desire to improve outcomes for children who were at risk of harm
- The Force was developing new joint working arrangements and structures to improve consistency across its four districts

However, Inspectors were concerned to find:-

- That although the Force had undertaken a review of arrangements with care homes and provided guidance to Police staff, this had not resulted in improvements in practice
- The Force was still failing to recognise risks to some children and work jointly with other agencies
- That recording practices remained poor which limited the ability of staff to make good decisions about children

15.3 In accordance with Section 55(5) of the 1996 Police Act required Police and Crime Commissioners to prepare comments on any of the HMIC's published reports that related to their Force and then publish in a manner they saw fit. Section 55(6) required a copy of the comments be sent to the Home Secretary (attached at Appendix A of the report).

15.4 Discussion ensued on the report with the following comments raised/clarified:-

- The Chief Constable had been requested to focus on all the areas highlighted in the report and to make improvements.
- The question of children's homes was a bigger issue in some districts more than others. A bigger piece of work was required giving consideration to the relationship between them and Child Sexual Exploitation trafficking etc.
- The Jay report had illustrated that a number of the vulnerable children were from children's homes as they were deemed as easy targets but it was clear that many also came from good homes with very caring parents. Agencies had to be very careful not to put all their focus onto one area. Grooming was increasingly moving from the streets to the internet which required a different response and Police Officers with different skills/training. New developments must not be lost sight of.
- The Police had not waited for the results of the investigation but had been making improvements. By the time of the report a number of the improvements required had been made.
- The Commissioner's role was to scrutinise the Police Force and ask what they were doing. It was easy for an organisation like South Yorkshire Police to become so focussed on the recent events that it

began to lose sight of what else might be happening. A learning organisation was one that did not simply focus on particular outcomes but must learn the lessons and be very careful. At the moment it should think about the general environment and context within which it was working. There was a big culture shift that had to take place not just in South Yorkshire Police but forces across the country.

Action: That the report be noted.

Action: That the OPCC feed into the workshop session the Commissioner's relationship with the Police Force, current structure, the Governance and Assurance Board and information on what reports were routinely submitted to the Commissioner.

F16. DATE OF FUTURE MEETINGS

Resolved:- That meetings of the Police and Crime Panel be held as follows:-

Friday, 16th October, 2015

27th November

15th January, 2016

4th March

27th May

all to be held in Rotherham Town Hall commencing at 11.00 a.m.

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SHEFFIELD CITY REGION COMBINED AUTHORITY

THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG

MINUTES OF THE MEETING HELD ON 14 SEPTEMBER 2015

PRESENT:

Councillor Sir Steve Houghton CBE, Barnsley MBC (Chair)
Councillor John Burrows, Chesterfield BC (Vice Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC
Councillor Mary Dooley, Bolsover DC
Councillor Julie Dore, Sheffield CC
Councillor Simon Greaves, Bassetlaw DC
Mayor Ros Jones, Doncaster MBC
Councillor Chris Read, Rotherham MBC
Councillor Lewis Rose OBE, Derbyshire Dales DC

Karl Battersby, Rotherham MBC
Joe Battye, Derbyshire CC
Fiona Boden, Sheffield City Region Executive Team
Huw Bowen, Chesterfield BC
Dorcas Bunton, Derbyshire Dales DC
Simon Dennis, KPMG
Julie Kenny CBE, Rotherham MBC
Garry Kirk, BMBC
John Mothersole, Sheffield CC
Jo Miller, Doncaster MBC
Ben Still, SCR Executive Team
Sue Sunderland, KPMG
Gareth Sutton, Sheffield CC / SCR
Daniel Swaine, Bolsover DC / NE Derbyshire DC
Neil Taylor, Bassetlaw DC
Diana Terris, Clerk / Barnsley MBC
Craig Tyler, Joint Authorities Governance Unit
Eugene Walker, S.151 Officer

Apologies for absence were received from Councillor A Syrett, J Newman, A Frosdick and S Manzie

1 APOLOGIES

Members' apologies noted as above

2 ANNOUNCEMENTS

None.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was agreed that no agenda items require voting rights to be confirmed on non-constituent Members.

6 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

At item 21 (IEB Business Case Recommendations), as Leaders of their respective sponsoring Authorities Cllr Houghton declared an interest in decisions concerning M1 J36 Phase 1 Hoyland and Cllr Burrows declared an interest in decisions concerning the Seymour Link Road.

7 REPORTS FROM AND QUESTIONS BY MEMBERS

None received.

8 RECEIPT OF PETITIONS AND PUBLIC QUESTIONS

None.

9 MINUTES OF THE MEETING HELD ON 3RD AUGUST 2015

RESOLVED: that the minutes of the meeting of the Combined Authority, held on 3rd August, are agreed to be an accurate record

10 SCR COMBINED AUTHORITY STATEMENT OF ACCOUNTS 2014/15 AND ANNUAL GOVERNANCE STATEMENT

A report was presented to communicate to Members relevant matters arising from the external audit of the 2014/15 Statement of Accounts and, in acknowledging these findings, to request that approval is given for the Chair of the meeting to conclude the audit by signing the Statement of Accounts and the Letter of Management Representations.

To assist Members with their consideration of this matter, on behalf of the S.151 officer, G Sutton provided Members with a comprehensive overview of the approval processes the Combined Authority needs to adhere to in deliberating and signing off the group accounts.

The presentation explained the complexities of the CA and where accounting rules are the same as or differ from those relating to a local authority.

Further information covered the organisations contained under the umbrella of the CA Financial Group, the structure of the accounts, timescales and key approval milestones, the revenue outturn position and a number of key financial highlights regarding 2014/15.

G Sutton agreed to circulate a copy of the presentation.

The external auditor, S. Sunderland (KPMG), presented Members with the Report to Those Charged with Good Governance (ISA260) 2014/15 and informed Members that the external audit has not made any material changes to the unaudited accounts. It was noted that the quality of the presented accounts is better than last year's. It was noted that the Combined Authority is classified as an 'other Local Government Body' and as such does not receive an explicit value for money conclusion.

The external Auditor acknowledged that this is the first year of the Authority's existence. As a consequence, the Authority did not have a fully functioning governance framework in place during the year. It was agreed that this position is adequately disclosed in the Annual Governance Statement which sets out the key areas to be addressed in 2015/16, specifically to: establish a Code of Corporate Governance; establish a robust risk management process; establish a performance management framework; review the operation of South Yorkshire ITA Properties Ltd and recover the data processing performance of the pension fund following the implementation of new software.

The External Auditor also recognised that the Authority does not have a Medium Term Financial Plan, currently relying on a single year budget. A plan is starting to be developed now that the Authority has the necessary clarity about its structure, work streams, remit and resources going forward.

It was agreed that the Annual Governance Statement correctly recognises the current status of 'transition' towards new arrangements. The External Auditor encouraged Members and officers to ensure the transition continues in a timely manner and produces all expected supporting protocols and documentation. It was noted that these requirements will be captured in the forthcoming Auditor's Opinion.

The Chair and Members requested that their thanks to all internal and external officers engaged with the production of the annual accounts and the Annual Governance Statement be recorded.

RESOLVED, that the Combined Authority Leaders:

1. Accept the Report to those Charged with Governance (ISA260) 2014/15.

2. Agree that following the above acceptance, the Chair of the Leaders' Meeting may provide signature to the Letter of Management Representations attached at Annex B in order to conclude the audit;

3. Approve the attached Statement of Accounts for 2014/15 and agree that the Chair of the meeting may provide signature to the Statement of Accounts.

11 SCR COMBINED AUTHORITY ISA260 (KPMG)

Matters addressed under agenda item 10.

12 SOUTH YORKSHIRE PASSENGER TRANSPORT PENSION FUND ISA260 (KPMG)

Matters addressed under agenda item 10.

13 SCC LETTER OF REPRESENTATION

Matters addressed under agenda item 10.

14 TREASURY OUTTURN REPORT 2014/15

A paper was represented to provide Members with a compliance report for the CA's Treasury Management activity during financial year 2014/15

It was noted that the report highlights an increase in debt associated with the £72.9m grant award to SYPTE that will significantly increase the amount of revenue reserves available to support sustainable SY transport levy reductions

The paper also highlighted investment activity which struggled against the budget income target due to the challenging operating environment

The paper reported compliance against all parameters, bar a breach on an investment counterparty limit in early 2014 that has previously been reported to members.

RESOLVED, that the Combined Authority Members note the Treasury performance and compliance with the parameters laid out in the 2014/15 Treasury Management Strategy.

15 2016/17 BUDGET SETTING: SCR BUDGET AND BUSINESS PLAN PROCESS

A paper was presented setting out the engagement plan for the CA's revenue budgets. These budgets comprise of the CA/SYPTE budget that culminates in the SY transport levy; and the CA/LEP budget that will determine subscription on the CA partners.

Members were reminded that the CA is required to agree a budget for its SY transport activity in order to set the SY Transport Levy by the statutory deadline of 16th February. This budget will need to be agreed by the 1st February CA Leaders'

meeting. Equally, the CA also needs to set a budget for its CA/LEP economic development activity. This budget is approved distinctly to the transport budget because it encompasses pan-regional activity, and is funded separately to SY transport activity.

It was noted that this budget will determine subscriptions for the CA partners, and will need to be agreed by the 14th March CA Leaders' meeting.

RESOLVED, that the Combined Authority Members note the proposed reporting routes.

16 SCR Q1 REVENUE BUDGET & CAPITAL PROGRAMME

Members were presented with the SCR Q1 Revenue Budget and Capital Programme update.

It was noted that the CA's non-programme revenue budget at quarter 1 shows a forecast overspend on SY transport activity, and a small forecast underspend on CA/LEP economic development activity.

The report provided an explanation of the situation.

RESOLVED, that the Combined Authority Members

1. Note the revenue budget position at Q1
2. Note the capital programme position at Q1
3. Note the financial positions of the regional activity managed by partners on behalf of the CA.

17 ESIF - SUSTAINABLE URBAN DEVELOPMENT PLAN

A paper was presented to provide Members with an update on the progress of the ESIF Programme and raises the following issues to be considered:

It was noted that a response is required to the invitation to establish a €10.5m Sustainable Urban Development (SUD) within the SCR. This will require the development and submission of a SUD strategy and the creation of a new governance regime to oversee the delivery of the activity. Whilst the benefits of the SUD are seen as relatively limited given the scale of funding involved it is seen as an important step in the devolution process for the SCR and the role of the Combined Authority in that process.

Members were advised that the original ESIF Strategy was developed 2 years ago since which time the SEP has been completed and a number of deals struck with Government. Using up to date intelligence there is an opportunity to revisit the ESIF allocations to ensure they align with the final version of the SEP and current SCR priorities.

RESOLVED, that the Combined Authority Members:

1. Agree that the SCR Combined Authority be the Intermediate Body for ESIF purposes in respect of the SCR ITI/SUD.
2. Agree to delegate the approval and submission of the final ITI/SUD Strategy to the Executive Director of the Combined Authority in consultation with the Chair of the Combined Authority and Legal Officer and subject to endorsement of SCR ESIF Committee.
3. Agree to delegate completion of the written Agreements with DCLG in respect of the ITI/SUD to the Executive Director of the Combined Authority in consultation with the Chair and Legal Officer.
4. Agree to delegate the Selection of Operations (projects) associated with the SUD to the Infrastructure Executive Board.
5. Agree to delegate the refresh of the SCR ESIF strategy to the to the Executive Director of the Combined Authority in consultation with the SCR ESIF Committee

18 SCR EXECUTIVE TEAM ACCOMMODATION

A report was received advising Members of work to identify and source a cost effective office location that meets the long term requirements of the SCR Executive team, whilst resolving the long-standing issue of under occupancy of the Combined Authority owned Broad Street West and the financial implications of this on the Combined Authority.

It was noted that following a call for proposals from across the city region two options for hosting the SCR Executive Team were put forward: Doncaster MBC Civic Building and Broad Street West, Sheffield, both of which were appraised in a detailed report (summarised at Annex A to the report).

It was noted that a report recommending proceeding with a decision to fit out and move the SCR Executive team to Floor 1 of Broad Street West was approved by CEX on 3rd September 2015, with a subsequent recommendation that the decision be escalated to the Combined Authority for endorsement.

RESOLVED, that the Combined Authority Members:

1. Approve the decision to proceed with the option to fit out and move the SCR Executive team to Floor 1 of Broad Street West on the basis that this option:
2. Note that this represents the cheapest option for the CA over a 10 year period
3. Note that this provides the opportunity to fully address the accommodation needs of the SCR Executive Team through the creation of self-sustained facilities
4. Note that this would be an efficient and cost effective means of addressing the long-term problem for the CA of under-occupancy at Board Street West by

aligning the need to rationalise SCR Executive accommodation with investment in Floor 1 of BSW

19 SCR DEVOLUTION UPDATE

The Chair advised Members that the on 4th September, the Sheffield City Region Combined Authority and Local Enterprise Partnership submitted to Government proposals for an economic devolution deal, in line with the deadline for such proposals set by the Chancellor of the Exchequer in the Summer Budget announcements in July 2015.

It was stressed that this submission constitutes the commencement of a period of intense negotiations with government regarding the scale and scope of any potential deal

It was noted that the Sheffield City Region's ambition at this stage is to agree a wholly economic deal that will provide the tools required to deliver the Strategic Economic Plan.

20 SCR AUDIT COMMITTEE - CHANGES TO TERMS OF REFERENCE

A paper was presented detailing the proposed, revised Terms of Reference for the SCR CA Audit Committee.

It was noted that in its original drafting, the Sheffield City Region Combined Authority Constitution was written on the understanding that the SCR would have an Audit Committee and that this Committee would undertake all functions akin to a Local Authority Audit Committee.

However, subsequent consideration has refined this position and following internal consideration, supported by informal negotiation with the External Audit, it has since been decided that 'it would be wrong conceptually and in principle for the Audit Committee to be treated as the body "charged with governance", in respect of approving the accounts of the Combined Authority, when none of the Audit Committee Members are Members of the Combined Authority itself.

Whilst this responsibility therefore rests with the Combined Authority, a further important matter of consideration has recognised that whilst the Combined Authority Members are "charged with governance", as Leaders of their respective districts they may not have the time to give audit related matters the attention they deserve and have therefore been keen to promote the Audit Committee (on which the majority of the district's Chairs of Audit are represented) having the responsibility to make recommendations to the Combined Authority. It is therefore proposed that a number of 'challenge-related' functions remain delegated to the Audit Committee.

RESOLVED, that the Combined Authority Members:

1. Agree the revised Terms of Reference for the SCR CA Audit Committee

2. Note that the Combined Authority itself remains the body 'charged with Governance'.

3. Note that the SCR CA Constitution will be amended accordingly.

21 IEB BUSINESS CASE RECOMMENDATIONS

A paper was presented setting out the recommendations of the Infrastructure Executive Board for M1 J36 Phase 1 Hoyland and Seymour Link Road, noting that both schemes are seeking to move to full approval.

See item 6 for Members' declarations.

Cllr Burrows took the Chair as Members took a decision on the M1 J36 Phase 1 Hoyland scheme. Cllr Houghton did not participate.

Cllr Burrows did not participate as Members took a decision on the Seymour Link Road.

RESOLVED, that the Combined Authority Members:

1. Agree the recommendation from the IEB on M1 J36 Phase 1 Hoyland.
2. Agree the recommendation from the IEB on Seymour Link Road.

22 MINUTES OF THE SCR CA TRANSPORT COMMITTEE - 1ST SEPTEMBER 2015

The minutes of the SCR CA Transport Committee, held on 1st September 2015, were received for information.

CHAIR

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

21 SEPTEMBER 2015

PRESENT: Councillor J Andrews (Chair)
Councillor A Atkin (Vice-Chair)
Councillors: S Ayris, A Buckley, A Cave, G Furniss, E Hughes,
R Munn, C Ransome, S M Richards and J Satur

M McCarthy, R Bywater, L Noble, R Winter and M McCoole
(South Yorkshire Joint Authorities)

CFO J Courtney, DCFO J Roberts and ACFO M Blunden
(South Yorkshire Fire & Rescue Service)

J Bell and F Foster (BMBC)

Apologies for absence were received from Councillor P Haith
and B Sandy

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

The Authority conveyed their condolences to B Sandy, who had recently lost her father.

M McCarthy apologised to Members for the fragmented manner in which the agenda and Audit Committee agenda had been despatched; this was due to software technicalities.

M McCarthy referred Members to the joint consultation document which had been circulated from the Home Office, CLG and the Department for Health entitled 'Enabling Closer Working Between Emergency Services'. M McCarthy recommended, due to the significance of the document, that a date be canvassed for all Members to attend a corporate planning event; the deadline for receipt of responses was 23 October.

Councillor Hughes referred to her recent induction session which she had found to be very informative. She had recently visited the Control Room, where staff had indicated that issues in relation to the computer system, for emergency and non-emergency telephone calls, had not yet been resolved.

N Carbutt, South Yorkshire Fire Brigades Union Secretary (FBU), requested to make a statement to the Authority. Councillor Andrews declared an interest and left the room, and Councillor Atkin assumed the position of Chair for the item.

N Carbutt commented that the FBU had been contacted by an overwhelming number of his members following the recent newspaper articles in the Yorkshire

Post, Barnsley Chronicle and the subsequent response by CFO Courtney via his blog. The newspaper articles detailed overtime payments made to Principal Officers for providing availability during periods of industrial action taken by FBU members in a right and justified defence of their pensions.

N Carbutt presented the following questions to the Authority:-

- 1) Were Principal Officers working under gold book terms and conditions? If so, could this Authority point out the relevant paragraphs that allow/permit additional/overtime payments to be made?
- 2) Were Principal Officers working under secondary contracts when they received these additional payments? If so, could the Authority place these in the public domain?
- 3) Were any of the additional payments made to Principal Officers pensionable? If so, could the payments be made available for public scrutiny?
- 4) At which Fire Authority meeting/other meeting were these payments sanctioned, who sanctioned them and who was present?
- 5) Could it be that as Principal Officers were in receipt of their usual salary and then received additional/overtime payments that they effectively were then paid two and a half times their remuneration for the contingency hours they gave?
- 6) Would you, as Members, be willing to refer this for external audit?

M McCarthy informed Members that when the matter came to light, the Chair of the Audit Committee had contacted the Clerk to the Authority who had agreed that the Head of Internal Audit be asked to undertake a review of the process. It was the intention to present the outcome of the review to the Audit Committee in November and this would incorporate a response to the questions posed by N Carbutt. It was deemed inappropriate to provide any further comments at this stage as it may prejudice the review.

Councillor Richards reiterated M McCarthy's comments. It was noted that the Terms of Reference/Scope for the internal audit review would be presented to the Audit Committee at the conclusion of FRA.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

RESOLVED – That agenda Item 16 entitled 'Stronger Safer Communities Reserve Round 2' be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

Councillor Ayris declared an interest at Item 10 on the agenda entitled 'New Member – Fire and Rescue Authority'.

Councillor Andrews declared an interest at Item 16 on the agenda entitled 'Stronger Safer Communities Reserve Round 2', as he was a director of one of the projects referred to.

6 REPORTS BY MEMBERS

Councillor Richards referred to a recent meeting with M Wright, Head of Asset Management, to discuss the environmental brief and estates, which had been useful. On 19 September she had visited the new Birley Moor Fire Station which was state of the art. A number of teething problems had been encountered with the traffic light system. It was hoped that an official opening would be held shortly to which Members of the Authority would be invited.

Councillor Satur reported that Councillor Atkin, R Bywater and herself had recently presented a cheque to Barnsley and Rotherham Chamber of Commerce from the Stronger Safer Communities Reserve Fund at Wentworth Woodhouse.

Councillors Atkin, Andrews and Cave had recently undertaken a visit to Maltby Fire Station.

Councillor Ransome commented that she had been working alongside S Helps, Area Manager, Head of Prevention and Protection, on the Doncaster Health Board. They would be attending an obesity workshop on 1 October, and examining the impact and assistance the Service could provide in this area. It was noted that Adwick Fire Station had opened a dementia friendly café.

Councillor Munn had visited Low Edges Fire Station on 12 September, where firefighters had held a car wash for the Firefighters' Charity. He had also visited the community allotment, looked around the close proximity crewing area and looked at future building plans for the fire station.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 27 JULY 2015

Councillor Richards queried why the costs had significantly reduced in respect of the appliance bay doors at Rivelin Fire Station.

DCFO Roberts commented that this had resulted from the first quotation received which had been for a full door replacement; upon investigation this had been deemed unnecessary.

Councillor Richards emphasised the importance of publicising the Stronger, Safer Communities Reserve results nationally, regionally and locally which had been a

great success, and she made particular reference to the Sleeping Safely (Barnsley Babies) project.

RESOLVED – That the minutes of the meeting of the Authority held on 27 July 2015 be agreed and signed by the Chair as a correct record.

10 NEW MEMBER - FIRE AND RESCUE AUTHORITY

A report of the Clerk to the Fire and Rescue Authority was submitted to inform Members of the resignation of Councillor Ross from the Fire and Rescue Authority with effect from 2 September 2015. Councillor Ross' replacement was Councillor Ayris, Liberal Democrat Member for Graves Park, who had taken up office immediately.

Councillor Andrews expressed his thanks on behalf of Members to Councillor Ross, who had been on the Fire and Rescue Authority since May 2010. Councillor Ross had been a hardworking and valuable Member of the Authority. The Authority wished him well for the future.

RESOLVED – That Members:-

- i) Noted the resignation of Councillor Ross from the Fire and Rescue Authority with effect from 2 September 2015.
- ii) Noted the nomination of Councillor Ayris to serve on the Authority with immediate effect.
- iii) Agreed that Councillor Ayris sat on the bodies set out at paragraph 3 of the report.
- iv) Nominated Councillor Munn as Lead Member for Business Continuity.

11 FRA GOVERNANCE STRUCTURE / DISSOLUTION OF WORKFORCE AND ORGANISATIONAL (WOD) BOARD

A report of the Clerk to the Fire and Rescue Authority was presented which provided Members with options for consideration in respect of the dissolution of the Workforce and Organisational (WOD) Board.

Members had previously requested that consideration be given to the role and remit of the WOD Board and Joint Liaison Forum (JLF), to determine whether there was duplication/overlap in their remit.

Staff/people and Equality and Inclusion items previously submitted to WOD Board would be included on the FRA's forward register. However, Members were informed that they could refer any item for further discussion to either Scrutiny or Stakeholder Engagement Board.

Councillor Cave suggested that in future, equality and inclusion should be a standing item on every agenda for the Fire and Rescue Authority and also the Stakeholder Engagement Board.

Councillor Atkin referred to the terms of reference for the JLF, which stated that meetings would be chaired by a Member of the Fire and Rescue Authority. Councillor Atkin had understood that an agreement had been reached for the chairmanship to be rotated on an annual basis between a Member of the Fire and Rescue Authority and a Trade Union representative.

Councillor Richards referred to the Audit Committee, which had oversight of governance. The Audit Committee would establish a small task and finish group in February/March 2016 to establish how the new governance arrangements were operating with a view to submitting a report to the Annual Meeting in June 2016.

RESOLVED – That Members approved:-

- i) The dissolution of the Workforce and Organisational Development (WOD) Board in its current form with immediate effect.
- ii) The retention of Joint Liaison Forum but with revised Terms of Reference to reference the annual rotation of the Chair.
- iii) Referral of strategic items (staff/people and Equality Inclusion) from the WOD Board work programme to Fire and Rescue Authority.
- iv) Membership of Scrutiny Board.
- v) Establishing a Task and Finish Group to undertake a short review of the Fire and Rescue Authority's existing Boards, to identify any potential gaps.
- vi) Equality and inclusion to be included as a standing item on every agenda for the Fire and Rescue Authority and the Stakeholder Engagement Board.

12 NOMINATIONS FOR SCRUTINY BOARD

A report of the Clerk to the Fire and Rescue Authority was submitted which requested the nomination of two Members to sit on the Scrutiny Board. Councillor Richards had had to step down as membership was in direct conflict with her new role as Chair of Audit Committee. Councillor Ross had left the Fire and Rescue Authority with effect from 2 September 2015.

RESOLVED – That Members nominated Councillors Cave and Ayris to sit on the Scrutiny Board.

13 AUDIT COMMITTEE ANNUAL REPORT 2014/15

A report of the Clerk to the Fire and Rescue Authority was submitted for Authority consideration and approval.

Members noted that best practice guidance recommended that Audit Committees produce an Annual Report for consideration by its full Authority.

RESOLVED – That Members considered the Annual Report of its Audit Committee and subject to any change made, agreed to publish it on the Authority’s website.

14 JULY 2015 PROJECTED OUTTURN REPORT

A report of the Chief Fire Officer and Chief Executive & Clerk and Treasurer was submitted which informed Members of the projected spend for the 2015/16 financial year based on the July 2015 outturn position and any information gathered during August.

The outturn position currently projected an underspend in the region of £580,000. Members noted from the previous 2015/16 outturn report, a number of challenges that would dominate the financial year.

Councillor Atkin commented that the amounts highlighted within the report titles were confusing, as they referred to both positive and negative figures.

F Foster commented that the report would be rectified.

RESOLVED – That Members noted the contents of the report.

15 CORPORATE PERFORMANCE REPORT - QUARTER ONE - 2015/16

A report of the Chief Fire Officer and Chief Executive & Clerk and Treasurer was presented which provided Members with details of corporate performance for quarter one of 2015/16, and set out the current position for South Yorkshire Fire and Rescue’s suite of Local Performance Indicators.

Members noted that in quarter one of 2015/16 there had been 23 fewer Accidental Dwelling Fires (ADFs) compared to the same quarter in 2014/15, which was almost a 13% reduction; the Service had encountered the lowest number of ADFs per 10,000 domestic properties out of the Metropolitan Fire and Rescue Services during quarter one.

Councillor Ransome referred to a number of fires which were attributable to cheaper electrical goods, and she queried what testing was undertaken by the Service.

DCFO Roberts commented that the Service did not carry out electrical testing within the home, but as part of the home safety checks, fire crew personnel would undertake an assessment of the property to ascertain how safe it was. It was noted that generally, after product recall, only 10% to 20% of the products were returned.

Councillor Ransome suggested that a letter be sent to electrical companies regarding the problem.

CFO Courtney commented that if a particular model of an appliance had shown to be the cause of a number of fires, then the Chief Fire Officers Association would approach the manufacturer to establish whether they could do something about that item. Work was undertaken nationally to identify recurring trends and to also address the problem.

Councillor Ayris referred to fires in non-domestic properties and he questioned what the Authority did to work with commercial organisations to minimise the risk of fire.

DCFO Roberts referred to the ongoing work of the Service undertaken on the Authority's behalf. The Service positively engaged with businesses to try to improve their safety knowledge of their building, and work was ongoing to provide education sessions and raise awareness around the issues. In relation to the increase in incidents, the Service continued to try to engage with every business within South Yorkshire.

Councillor Richards referred to the recent seminar for businesses in the area to look at the sprinkler systems and installation. Councillor Richards referred to special service incidents, and added that she was a member of the Sheffield Safer and Sustainable Communities Board; a plea had been made at a recent meeting for fire crews not to break down doors if there was an alternative way to gain entry into a property.

CFO Courtney commented that fire crews would only break down a door if all other ways of gaining entry had been exhausted.

RESOLVED – That Members:-

- i) Noted the contents of the report.
- ii) Scrutinised and commented on the information presented in report.

16 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

17 STRONGER SAFER COMMUNITIES RESERVE ROUND 2

A report of the Clerk to the Fire and Rescue Authority was submitted to consider a further six projects for funding based on their revised bids.

RESOLVED – That Members:-

- i) Approved funding for the projects.
- ii) Agreed to the release of funds to projects, subject to completion of service level agreements.
- iii) Considered the use of residual funds.

CHAIR

SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

19 OCTOBER 2015

PRESENT: Councillor J Andrews (Chair)
Councillor A Atkin (Vice-Chair)
Councillors: S Ayriss, A Buckley, A Cave, P Haith, E Hughes,
R Munn, C Ransome, S M Richards and J Satur

M McCarthy, L Noble and M McCoolle (South Yorkshire Joint
Authorities)

CFO J Courtney, DCFO J Roberts, ACFO M Blunden and
B Sandy (South Yorkshire Fire & Rescue Service)

A Frosdick, J Bell and F Foster (BMBC)

Apologies for absence were received from Councillor
G Furniss, R Bywater, D Cutting, I Rooth, G Kirk and
D Hanson

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

Councillor Hughes referred to a recent fire station visit, where staff appeared to be wearing different colour uniforms.

ACFO Blunden commented that new shirts had been issued to firefighters and new trousers would shortly be introduced, to bring the uniform up to standard over the coming weeks.

M McCarthy reported that the Service's Stronger Safer Communities Reserve Fund (SSCR) had been shortlisted for Partnership of the Year and SYFR Communications and CFS for the Team of the Year Award at the Excellence in Fire and Emergency Awards 2015; Members would be kept updated.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 REPORTS BY MEMBERS

Councillors Satur and Haith had recently attended a Leadership Essentials Fire and Rescue Programme, which had enhanced their knowledge of how other fire authorities performed.

Councillor Hughes gave thanks to the firefighters at Doncaster Fire Station for her recent visit; she queried why the turntable ladder was only available on a part time basis at the station.

CFO Courtney referred to the task undertaken over the last 4 years to reduce the establishment in line with the diminishing budget. It had been agreed that Sheffield would retain one aerial appliance on a whole time basis, due to it having the largest number of high rise buildings within South Yorkshire, and that a second aerial appliance would be located at Doncaster on a retained basis. The Authority had agreed the IRMP, which was now in the process of being implemented.

Councillor Andrews requested that Councillor Hughes be provided with statistical data around the use of the aerial appliance in the last 5 years for South Yorkshire, and in particular Doncaster.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 21 SEPTEMBER 2015

Councillor Richards commented that the outcome of the Internal Audit review in relation to the overtime payments made to Principal Officers during periods of industrial action would be presented to the Audit Committee in November. Councillor Richards would continue to keep the Members of the Audit Committee up to date.

Councillor Hughes referred to her visit to the Control Room, where staff had indicated that issues in relation to the computer system, for emergency and non-emergency telephone calls, had not yet been resolved; she had since received a response from the Service in response to her concerns, but had not yet re-visited the Control Room to establish whether the situation had improved.

10 VARIATION TO TERMS AND CONDITIONS OF EMPLOYMENT - PART-TIME FIREFIGHTERS

A report of the Director of Service Development/Deputy Chief Fire Officer was submitted in relation to the variation to the terms and conditions of employment for part-time firefighters.

In 2013 a proposal had been developed to vary the terms and conditions of employment of Retained Duty Staff (RDS) firefighters, to ensure they became more aligned to their Wholetime counterparts for the wider provision of safety critical training and Maintenance of Compliance. A collective agreement had been reached on 24 March 2015 with the FBU at a meeting of the Joint Negotiating Meeting (JNM). Subsequently the FBU had indicated that they were not prepared to ratify the collective agreement, unless an agreement was made by managers for a payment to be made to each member of staff affected by the change. As a result of this, the type of incidents most RDS firefighters can respond to have been restricted until a resolution is reached.

RESOLVED – That Members:-

- i) Noted the contents of the report.
- ii) Agreed to the proposal for a one-off pro-rata payment to the maximum of £750 (subject to tax and National Insurance) for firefighters engaged on RDS, to fit the contracted availability hours provided by each individual.

11 CONTINGENCY ARRANGEMENTS

A report of the Chief Fire Officer and Chief Executive was presented which set out a number of options relating to the ongoing provision of contingency arrangements in order that the Fire and Rescue Authority complies with the Fire and Rescue Act 2004 and the Civil Contingencies Act 2004.

Councillor Richards requested that a report be presented to the November Authority meeting to provide costings for Options 3 and 4 in relation to the contingency arrangements, to enable a proper and informed decision to be made.

RESOLVED – That a report be submitted to the November Authority meeting, to provide costings for Options 3 and 4 in relation to the contingency arrangements.

12 AMENDMENT OF CONTRACT STANDING ORDERS

A report of the Deputy Monitoring Officer was submitted requesting an amendment to the Contract Standing Orders to allow the Authority to procure from its trading company.

Members noted that Section 5 of the Authority's Contract Standing Orders dealt with exempt categories of contracts to which the full tendering exercise was not required.

RESOLVED – That Members resolved to amend Contract Standing Order 5 to include the SYFR trading company.

13 EMERGENCY FIRST RESPONDING

DCFO Roberts commented that the Service had been accepted onto the national trial for emergency first responding, which would initially be launched at Stocksbridge Fire Station upon the completion of formal DBS checks. Following

which, it was the intention to go live at Rossington and Dearne Fire Stations in terms of co-responding, which would enable a more rapid response to be provided to the communities.

DCFO Roberts referred to co-responding which involved a dual response from both the Service and Yorkshire Ambulance Service (YAS). It was anticipated that the Service would arrive first at an incident to provide medical intervention, due to the high volume of calls experienced by YAS of approximately 2,000 to 3,000 calls per day.

Members noted that YAS provided the Service with specific training over a period of 2 days, which included CPR training, provision of oxygen therapy and defibrillator training.

RESOLVED – That Members noted the update.

14 EQUALITY AND INCLUSION UPDATE

It was noted that Members had agreed at the last Authority meeting to the dissolution of the Workforce and Organisational Development Board (WOD).

DCFO Roberts referred to a meeting requested by the Equality and Inclusion Lead Member, Councillor Cave, with staff from the Service's Equality and Inclusion Section which would take place on 22 October 2015. A gap analysis had been undertaken over the last 6 months against the Fire and Rescue Equality Framework to establish whether the Service was maintaining 'Achieving' of the Equality Framework, and the work required to move to an 'Excellent' rating. DCFO Roberts commented that a report would be submitted to a future Authority meeting once a number of queries on the gap analysis report had been resolved.

Councillor Richards referred to a report commissioned on the culture of Essex Fire Service. She requested that the Service produce a 'lessons learnt' report based on this report in relation to the way the Service was run to ensure that such issues did not arise in South Yorkshire.

Councillor Richards commented that at the last LGA Fire Conference the Fire Minister had referred to the Thomas Report, which had not yet materialised.

CFO Courtney commented that Adrian Thomas had recently suggested that the report was with the new Fire Minister and that it was for the Minister to decide whether the report would be published.

RESOLVED – That Members agreed:-

- i) A lessons learnt report, based on the Essex Fire Service's report, would be presented to the January 2016 Authority meeting.
- ii) A letter be sent on behalf of the Authority to the Fire Minister in relation to the Thomas Report, and copied to the Shadow Minister, to stress the importance of publishing the report as indicated by the previous Fire Minister.

S41 MEMBER BRIEFING NOTE



OCTOBER 2015

Please find below information from your Section 41 Member representative on South Yorkshire Fire and Rescue Authority:-

Government consultation calls for closer working between emergency services

The Home Office, Department for Communities and Local Government (CLG) and the Department of Health (DoH) have issued a consultation document setting out proposals for closer working between emergency services. The consultation suggests legislative changes in what could be a radical shift in the way Fire and Rescue Services are governed.

The Government believes that greater joint working can strengthen the emergency services and deliver significant savings and benefits for the public. It has already invested £70m to help drive 'blue light' collaboration projects. Although there are many good examples of joint working between the emergency services, the overall picture remains patchy and the Government believe much more can be done.

South Yorkshire Fire and Rescue Authority are to hold an event to consider the 16 questions posed and will be submitting a joint Authority and Service response.

The full consultation document can be accessed [here](#).

Reducing the risk of fire for businesses

South Yorkshire is the launch pad this month (September) for a major initiative designed to improve fire safety for Small and Medium Enterprises. Barnsley and Rotherham Chamber of Commerce has launched the Business Fire Safety Project to reduce the impact of fires on business stability and development.



Adrian Platts and Andrew Denniff of Barnsley & Rotherham Chamber of Commerce are handed a funding cheque from the South Yorkshire Fire & Rescue Authority's Stronger Safer Communities Reserve by Councillors Alan Atkin and Jackie Satur, and Chris Mellors of South Yorkshire Fire and Rescue.

This project received funding from South Yorkshire Fire and Rescue Authority's Stronger Safer Communities Reserve to assist local businesses to become more engaged in fire safety awareness.

"We will be working closely with the fire service, local authorities and partners in South Yorkshire," says Andrew Denniff, Chief Executive of the Chamber of Commerce, "and will support businesses to become more informed and controlled in dealing with fire safety issues, helping businesses to help themselves".

"We're targeting a range of businesses across South Yorkshire to continue to reduce the risk of fires in commercial and industrial settings".

The key initiative of the project is to establish robust fire safety cultures within businesses that aim to protect employees and ensure business continuity. The project has established a specialist business support service, dedicated to increasing the uptake of fire safety advice by delivering presentations, providing guidance and business toolkits. The project will also support the adoption of in house Fire Safety Ambassadors to more effectively manage fire risks in smaller businesses who have less awareness of fire safety issues.

Andrew says "Any drive to encourage more businesses to adopt improved safety practices can only serve to protect employees, business continuity and future growth".

He goes on to point out that many businesses may not have fire safety at the top of their business priority list, and some are not familiar with the requirements of the Regulatory Reform (Fire Safety) Order 2005. In order to foster good fire safety cultures within businesses, it is important for them to understand the Order to ensure they are compliant.

"We hope our initiative will assist the South Yorkshire Fire Authority to continue reducing fires and the risk of fires at business premises".

Fire Authority Chairman Councillor Jim Andrews said: *"The fire service in South Yorkshire has already helped to make our communities safer than they have been at any time in our history, but it's important those successes are replicated in a commercial context. By supporting partners like Barnsley & Rotherham Chamber, we think the Authority can make a big contribution to helping to protect businesses from fire which will in turn help to support a thriving local economy".*

Any businesses looking for advice, guidance or support surrounding fire safety can contact Barnsley and Rotherham Chamber on 01709 386200 to discuss how the project can assist.



Stronger, Safer Communities Reserve update

A further six projects were approved for funding by Fire and Rescue Authority on Monday 21st September following the submission of revised bids. A full list can be viewed on the Authority's website [here](#) but include Doncaster Deaf Trust, St Leger Homes and Yorkshire Children's Centre.

Safety call as student landlords failing to fix fire risks

Fire officers are urging the tens of thousands of new and returning students arriving in Sheffield this week to report accommodation safety concerns to their landlords.

Research from Electrical Safety First has shown negligent landlords and letting agents are failing to address common safety concerns, which could result in fires.

The charity found that:

- 1 in 4 students experienced faulty electrics in their private rented accommodation
- 37% of landlords failed to fix exposed wiring
- 35% never rectified damp, condensation or flooding around electrics
- 30% didn't resolve issues around sockets and light fittings

South Yorkshire Fire & Rescue say that whilst standards of rented accommodation for students in Sheffield are generally improving, students should stay vigilant and be bold in reporting safety any concerns.

Head of community safety Kevin Ronan, said: *"Our message to students is that you shouldn't have to put up with poor safety standards in your rented property. Landlords have a legal duty to ensure that your electrical installation is kept in repair and proper working order. So keep an eye out for constant tripping of fuses, flickering lights and scorching around sockets.*

"Most freshers will be living in well managed halls of residence or private student accommodation complexes. But many more returning students will be heading into the private rented sector for the first time and should report any concerns to their landlords to prevent fires."

Other top fire safety tips for students include: Ensure that your property is fitted with a working smoke alarm. Test the alarm upon arrival in your house and again at regular intervals throughout the year.

Make sure your landlord or fellow housemates do not store anything on top of your microwave as they can cause it to overheat.

Don't attempt to cook after a night out drinking- buy a takeaway on the way home instead

Fire station hosts 'memory cafe' as part of new dementia partnership



The fire service has taken another big step towards supporting the growing numbers of people in South Yorkshire who live with dementia, by holding 'memory cafes' at one of its fire stations.

Adwick Fire Station at Quarry Lane, Woodlands now hosts a monthly memory cafe as part of a new partnership between South Yorkshire Fire & Rescue and the Alzheimer's Society.

The events, held once each month on a Thursday afternoon, provide an opportunity for people living with dementia and their carers to meet in a safe, managed environment and to take part in activities to promote mental and physical wellbeing, like games and health walks.

An Alzheimers Society Dementia Support Worker also attends each meeting to give information and support to carers.

Officers believe the project will benefit the fire service by providing a vital link with one of its key target groups in terms of vulnerability to fire.

They think the partnership also highlights the growing role the fire service can play in promoting health and wellbeing in the communities it serves.

Area Manager Steve Helps, said: *"In the last decade, the fire service has helped to make South Yorkshire safer than is has been at any time in its history in terms of house fires and fire related deaths and injuries.*

"But we believe we can play a much wider role in terms of tackling some of the big health challenges our country faces in the future. This project is the perfect illustration of that aspiration, where fire service resources

are helping to improve the lives of one of the most vulnerable groups in society."

South Yorkshire Fire & Rescue is also a member of the Yorkshire & Humber Dementia Alliance, which is committed to tackling the growing issue of dementia within our communities.

Hundreds of its staff have also signed up to become Dementia Friends- a Government backed initiative which teaches people a little bit more about what it's like to live with dementia, and then turns that understanding into action.

Paul Harrison, Alzheimer's Society Operations Manager for South Yorkshire said:

"We are delighted to enter into this partnership with the South Yorkshire Fire and Rescue Service and are grateful to them for hosting the Memory Café in their premises – it is certainly one of our more unusual locations.

"Alzheimer's Society research has shown that people living with dementia thrive better if they can continue to live in their own homes for as long as possible, but they can be very vulnerable to risks in the home including fire. Working with the South Yorkshire Fire and Rescue service is a vital part of creating supportive dementia friendly communities and improving both safety and wellbeing of people living with dementia and their carers in the area"

South Yorkshire Fire & Rescue has community rooms available at many of its fire stations across the county which are available to use, free of charge, to a variety of charities and community organisations.

CO advice to be given to residents in National Grid link up

National Grid has teamed up with South Yorkshire Fire & Rescue to give lifesaving carbon monoxide (CO) advice to the area's most vulnerable residents.

The partnership is part of an initiative National Grid is running with seven fire and rescue services across the country, including Leicestershire, Essex, Hertfordshire, Lancashire, and West Midlands. It follows a successful trial with Staffordshire Fire and Rescue, who delivered over 3,000 home safety checks, including advice on CO

symptoms, prevention and how to ensure their homes are safe from the silent killer. Head of community safety for South Yorkshire Fire & Rescue, Kevin Ronan, said: *"Too many people die needlessly or become seriously ill because of carbon monoxide poisoning each year. As a fire service, our work in the community has already helped to massively reduce house fire deaths and injuries, so it's only natural that we should look to extend that success by making people more aware of other safety issues like CO."*

It is hoped that through the fire service's regular home safety checks, more and more people will become aware of the dangers of CO poisoning, take further action to make their homes safer and share their knowledge with others.

Head of operations for National Grid James Harrison said: *"We are seeing great results so far which means the chance of people being harmed or killed by CO is falling."*

Known as the 'silent killer', carbon monoxide poisoning kills over 50 people a year, with 4,000 people attending hospital with carbon monoxide symptoms. An odourless, colourless gas, carbon monoxide is not easily detected and symptoms of carbon monoxide poisoning can be confused with flu.

Mr Harrison added: *"The partnership with South Yorkshire Fire and Rescue means more and more people are getting the CO safety message. We are providing them with the information, knowledge and CO alarms and they are able to deliver these to far more people during their Home Safety checks."*

The results from the trial with Staffordshire Fire & Rescue Service showed:

- 68% increase in CO awareness
- 81% of respondents would take all the recommended further action. This includes getting their gas appliances checked every year, passing on information to friends and family, buying a CO alarm and seeking medical advice if the symptoms of carbon monoxide poisoning occur
- 99% indicated they would share their new knowledge of CO dangers with family and friends

Carbon monoxide is often known as the silent killer because you can't see it or smell it but carbon monoxide poisoning can be avoided

by taking simple steps. Ensure your gas appliances are fitted, maintained and serviced annually by a Gas Safe registered engineer and as a back-up, fit an audible carbon monoxide detector. They can be bought for as little as £15 and could save your life.

Following the success of the Staffordshire trial, National Grid teamed up with six further fire and rescue services and shared the trial findings with the other gas distribution networks. The other networks have now also started to team up with services in their areas to provide CO awareness.



Did you know you can watch all Authority meetings LIVE?

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SECTION 41 MEMBER BRIEFING



NOVEMBER 2015

Please find below information from your
Section 41 Member representative on South
Yorkshire Fire and Rescue Authority
Cllr Pat Haith



STRONGER SAFER COMMUNITIES RESERVE

Stronger Safer Communities Reserve (SSCR) Fund shortlisted for national award

South Yorkshire Fire and Rescue Authority's innovative SSCR Fund has been shortlisted for 'Partnership of the Year' Award at the national 2015 Excellence in Fire and Emergency Awards.

The judging panel, led by the Government's Chief Fire and Rescue Adviser, Peter Holland, felt the SSCR Fund really stood out and met all the criteria for this particularly category.

The SSCR Fund is about more than handing out money; it's about giving the right organisations the right resources to carry out the work and reach the types of very vulnerable people fire services simply cannot achieve on their own.

Under the scheme 19 different community groups, charities and other partners were awarded a total of £500,000 (in round 2) to support projects which reduce injuries, save lives and make South Yorkshire safer. The scheme was heavily over-subscribed and key objectives for the successful applicants including prioritizing the most vulnerable, collaboration and data sharing.

Highlights of the scheme include:

- 3,000 baby thermometers handed out to all expectant parents in Barnsley. The thermometers are specially designed to display important messages about fire safety and smoke free homes, and could be adopted nationwide.
- A cutting-edge research project to help the fire service predict where fires are most likely to occur in the future. The research is being led by Sheffield Hallam University and University of Sheffield.

- A Doncaster Council 'Fakes Cause Fires' campaign which is using posters, videos and pocket-sized information cards to educate residents about the fire dangers associated with buying counterfeit goods.

- Accessible training sessions, workbooks, DVDs and other educational resources suitable for people with learning difficulties and autism, developed by Rotherham Charity Speakup Self Advocacy.

- Sprinklers for vulnerable older people at a sheltered housing complex in Barnsley. The potentially life-saving systems were fitted at Churchfields owned by Berneslai Homes.

Evidence collected from the funded projects shows tens of thousands of local people have been made safer, many of them from some of South Yorkshire's most deprived, 'at risk', communities.

It is worth noting that South Yorkshire have been shortlisted for another award – Team of the Year -

Sheffield firefighters named best of the best



A fire crew from Sheffield is celebrating after coming out on top in a national competition to test firefighters' search and rescue skills in heat and smoke.

Central White Watch were awarded first place in the UK finals of the Breathing Apparatus (BA) challenge which saw them compete against 15 other fire crews from across the UK, including from West Yorkshire, Greater Manchester and Hertfordshire.

Each team tackled a series of scenarios involving the rescue of 'casualties' from inside smoke-filled buildings. Judges at the competition, held at the Fire Service College in Moreton-in-Marsh, named the Central crew overall winners after they scored highest in the best BA team and best officer in charge categories.

A second team from South Yorkshire, made up of firefighters based at the service's training and development centre in Handsworth, also took part in the contest which officers say is proof of the skill and professionalism of the county's crews.

Assistant Chief Fire Officer Martin Blunden, said: *"We're very proud that a crew from South Yorkshire took first place in a national competition that was filled with extremely professional, highly-skilled firefighters. The standard was very, very high, and for our crew to perform to such a high standard on the national stage is a fantastic achievement."*

"Since arriving in South Yorkshire this spring, I've been convinced that the service is amongst the best in the country at what it does. Winning this competition is further proof of that."

Judges scored crews in a number of different skill areas including BA search and rescue, firefighting while in BA, pump operator, BA entry control officer and incident command.

South Yorkshire firefighter prepares for Moldovan training mission



Steve North

Moldova to help train the country's fire crews in road traffic collision (RTC) rescue.

Steve North, based at South Yorkshire Fire & Rescue's Handsworth training centre, is part of a World Rescue Organisation (WRO) team spending five days working with firefighters in the Eastern European country.

Steve, one of the UK's leading specialists in RTC rescue, is Extrication Deputy Head for the United Kingdom Rescue Organisation (UKRO) and has previously visited Ghana to teach rescue techniques to firefighters.

The 53 year-old, who was also part of a South Yorkshire team named World Extrication Champions in 2004, has been a firefighter for 25 years. He started his career at London Fire Brigade before transferring to South Yorkshire Fire & Rescue in 2000.

In 2012 there were 2,712 recorded road traffic collisions in the Republic of Moldova, causing 441 deaths. This makes the country's fatality rate for RTCs more than 10 times that of the UK's.

Factors contributing to this are the length of time for rescue assistance to reach incidents, a lack of necessary equipment to respond effectively to incidents, and gaps in knowledge of those responding to incidents.

Steve said: *"The road death casualty rates in Moldova are unacceptably high and I think we have a duty in the developed world to share learning with firefighters there to help save lives."*

"Things in Moldova have already improved thanks to previous training missions and some kit and equipment donations. The aim of this visit is to help the Moldovan fire service establish its own, national extrication challenge competition for its crews as a way of promoting skills and learning in the country in a sustainable way."



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Fire Authority Member goes up in the world

Fire Authority Member, Cllr Eva Hughes, and Doncaster Ward Member for Wheatley Hills and Intake, recently visited Doncaster Fire Station.

Cllr Hughes spent time with Green Watch being shown around the Station, and talking to the staff. She even got the chance to go up in the Turntable Ladder.

Cllr Hughes said: *"What an experience. Thank you for the opportunity"*.



SOUTH YORKSHIRE PENSIONS AUTHORITY

1 OCTOBER 2015

PRESENT: Councillor S Ellis (Chair)
Councillor R Wraith (Vice-Chair)
Councillors: E Butler, B Lodge, H Mirfin-Boukouris,
K Rodgers, A Sangar, M Stowe, B Webster, J Wood and
K Wyatt

Trade Unions: G Warwick (GMB) and N Doolan (Unison)

Officers: J Hattersley (Fund Director SYPA), G Chapman
(Head of Pensions Administration SYPA), J Bell (Director of
Human Resources, Performance and Communications,
BMBC), F Foster (Treasurer), M McCarthy (Deputy Clerk) and
M McCoolle (Senior Democratic Services Officer)

Apologies for absence were received from Councillor J Scott,
F Tyas, R Askwith, A Frosdick, B Clarkson and R Bywater

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

Councillor Ellis referred to agenda item 30 entitled 'Senior Manager Pay Review'. Members noted that the report had been withdrawn from the agenda as the Section 151 Officer had not had sight of the report; it was envisaged that the report would be presented to the Authority meeting in December.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 DECLARATIONS OF INTEREST

None.

6 MINUTES OF THE ANNUAL AUTHORITY MEETING HELD ON 11 JUNE 2015

RESOLVED – That the minutes of the Annual Authority meeting held on 11 June 2015 be signed by the Chair as a correct record.

7 MINUTES OF THE ORDINARY AUTHORITY MEETING HELD ON 11 JUNE 2015

RESOLVED – That the minutes of the Ordinary Authority meeting held on 11 June 2015 be signed by the Chair as a correct record.

8 MINUTES OF THE MEETING OF THE MANAGEMENT COMMITTEE HELD ON 16 APRIL 2015

RESOLVED – That the minutes of the Management Committee held on 16 April 2015 be noted.

9 MINUTES OF THE MEETING OF CORPORATE PLANNING AND GOVERNANCE BOARD HELD ON 18 JUNE 2015

M McCarthy commented that the Department for Communities and Local Government (DCLG) had now confirmed the establishment of a Joint Local Pension Board for the two South Yorkshire LGPS administering authorities; the first meeting would be held today.

RESOLVED – That the minutes of the Corporate Planning and Governance Board held on 18 June 2015 be noted.

10 MINUTES OF THE MEETING OF THE CORPORATE PLANNING AND GOVERNANCE BOARD HELD ON 23 JULY 2015

Members noted that the Value Added Tax report had been included onto the Work Programme, and this would be presented to the next Board meeting.

RESOLVED – That the minutes of the Corporate Planning and Governance Board held on 23 July 2015 be noted.

11 MINUTES OF THE MEETING OF THE INVESTMENT BOARD HELD ON 25 JUNE 2015

RESOLVED – That the minutes of the Investment Board held on 25 June 2015 be noted.

12 WORK PROGRAMME

Members were presented with a copy of the cycle of future meetings work programme to 14 January 2016.

RESOLVED – That Members noted the contents of the report.

13 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

None.

14 VERBAL UPDATE ON MATTERS ARISING SINCE THE LAST MEETING

None.

15 CONSTITUTION AND TERMS OF REFERENCE OF THE SOUTH YORKSHIRE LOCAL PENSION BOARD

A report of the Deputy Clerk was submitted to consider amendments to the Constitution and Terms of Reference of the South Yorkshire Local Pension Board.

The South Yorkshire Local Pension Board had first met on 23 July 2015, where its Constitution and Terms of Reference had been considered, as approved by the Authority on 19 March 2015. It had been suggested that the Constitution be amended to indicate:-

- i) A Member may serve a maximum of two terms of office.
- ii) The Board shall hold meetings quarterly. Additional meetings may be called at any time by the Chair.

RESOLVED – That Members agreed to the suggested amendments.

16 LOCAL PENSION BOARD BUDGET 2015/16

A report of the Clerk was presented to consider and agree a budget for the recently established Local Pension Board for the period 2015/16.

It was noted that in relation to the establishment of local pension boards, the Guidance had made provision for the boards to have access to a budget for specified purposes, which may include:-

- Seeking professional advice.
- Member training.
- Production of an Annual Report.
- Expenses in relation to travel, accommodation and subsistence in connection with membership.

RESOLVED – That Members:-

- i) Agreed a budget of £15,000 for the period 2015/16.
- ii) Noted that these costs would be met on a pro-rata basis by the South Yorkshire Pension Fund and the South Yorkshire Passenger Transport Pension Fund.
- iii) Noted that the expenditure would be reported as part of the Authority's budget monitoring arrangements.

17 GOVERNMENT CONSULTATION ON LGPS

A report of the Fund Director was submitted to advise Members that the Government intended to consult over the pooling of investments to reduce costs.

Members noted that the report had been presented to the Investment Board meeting in September, where it was understood that there would be major implications for both the Authority and the Fund if the proposals were pursued.

Members were referred to the message from the Department for Communities and Local Government, which stated that 'Hymans established that savings and efficiencies of up to £660m could be achieved by pooling investment into collective investment vehicles to access economies of scale, by making greater use of passive management for listed assets'. The proposal suggested that 5/6 collective investment vehicles be established, which all administering authorities would be required to invest into but they would retain local asset allocation decision making; the internally managed funds would not be large enough to meet the size criteria. A great deal of officer work was underway to work through the CLG proposals so far released but there was a lot of ambiguity and lack of cohesion surrounding them. HM Treasury had realised that there was a timescale, and they were keen to make an announcement at the next budget that cost savings would have been achieved. The Government was focusing on the cost, scale and governance, and it was seeking to improve governance of administrative authorities (seemingly without adversely affecting investment performance).

At the September Investment Board meeting, the State Street presentation had indicated that the Fund had outperformed its benchmark by 0.1% per annum over the last decade whereas the average fund had underperformed by 0.1% and the differential was a further 0.2% net of fees.

G Warwick commented that the Scheme Advisory Board had expressed concern, and he considered that a holding letter to the Government would be invaluable to point out the increase in cost as opposed to savings. It had been agreed at the last Advisory Board meeting, to undertake further work on the criteria assessment.

Members noted that a workshop would be held on 19 November to discuss the issues surrounding what was so far known about the proposals. It was noted that the Investment Board had given approval for the Fund Director to explore the research being undertaken by Hymans Robertson, and had given approval for the Board to enter into this providing the costing was circa £10,000.

RESOLVED – That Members:-

- i) Noted the report and the response so far proposed by the Investment Board.
- ii) Agreed that a holding letter be submitted to the Government to explain the Fund's position and the areas it wanted to explore further.
- iii) Noted that a workshop would be held on 19 November to discuss the response to the LGPS consultation on investment pooling.

18 COMPLIANCE AND ENFORCEMENT BY THE PENSIONS REGULATOR IN THE LGPS

A report of the Clerk was presented to draw to Members' attention the publication by the Pensions Regulator of an enforcement policy document affecting the LGPS.

Members noted that the framework for the governance and administration of public service pension schemes had been introduced in the Public Service Pensions Act 2013. The Pensions Regulator (TPR) was now the LGPS regulatory body.

RESOLVED – That Members noted the report.

19 QUARTER 1 PERFORMANCE SNAPSHOT REPORT

Members were presented with a copy of the Business Planning and Performance Framework's Snapshot Report for 2015/16 Quarter 1.

Councillor Ellis referred to stock selection that had added value at a time which had been very difficult for the Fund.

RESOLVED – That the contents of the report be noted.

20 ACTUARIAL VALUATION TIMETABLE 2016

A report of the Fund Director was submitted to advise Members about the provisional timetable for considering aspects of the actuarial valuation due at the end of March 2016.

Members noted that traditionally the Authority reserved the actuarial valuation to itself rather than delegating to a Board. The Fund's next triennial actuarial valuation was due as at 31 March 2016. Members noted the provisional timetable which incorporated the work from the employers, the actuary and the Authority. Officers and the actuary were involved in preliminary discussions in relation to the adoption of underlying principles for setting the valuation assumptions/methodology; a meeting would be held in October and the outcome would be discussed with the district councils.

Councillor Ellis queried whether any local authorities had provided outsourcing information, following the Authority's plea made a few months earlier.

J Hattersley commented that the matter would be raised at the forthcoming meeting with Treasurers.

Councillor Wraith requested that the Authority be provided with feedback throughout the process.

Councillor Ellis expressed concern with UPM, the new administration system, and whether it was able to give equality and reliability of membership data.

G Chapman commented that from next year, it would be critical for employers to provide data in a timely fashion; the matter would be raised at the Employers Forum in November 2015. It was noted that a new valuation extract program was required to accommodate the changes to the scheme; a specification had been agreed with actuaries, and discussions were underway with the software supplier. The Fund had agreed to be the test site for the new software, which was expected before the end of the year; Members would be kept informed of the test results.

RESOLVED – That Members noted the report.

21 BOARD CHAIRS' REPORTS

Councillor Ellis had met with a number of staff over the last few months, where she had acknowledged that the Authority was aware of the amount of strain the additional

workload had caused staff due to problems with the UPM administration system; she gave thanks to J Hattersley, G Chapman and M McCarthy for the time involved in providing in-depth explanations on matters to her.

Councillor Ellis referred to J Hattersley's intention to retire. J Hattersley was held in the highest regard and he would be difficult to replace; it would be imperative to find a suitable replacement over the coming months. Members noted the forthcoming Annual Fund Meeting which would be robust in relation to responsible investments etc.

Councillor Ellis had met with D Terris, Clerk to the Authority, and J Bell, Director of Human Resources, Performance and Communications (BMBC).

Councillor Wraith gave thanks to the staff and officers for the work undertaken on the UPM administration system.

J Hattersley gave thanks, on behalf of colleagues, to the Chair for all of her support.

22 CORPORATE PLANNING & GOVERNANCE BOARD AUDIT COMMITTEE
FUNCTION ANNUAL REPORT

The Authority was presented with the Corporate Planning and Governance Board Audit Committee Function Annual Report 2014/15, which provided evidence of the arrangements the Authority had in place to monitor, challenge and hold to account those responsible for managing its' governance arrangements and the production and approval of its Annual Governance Statement.

Members noted that the draft Annual Report had been agreed at the Corporate Planning and Governance Board meeting held on 18 June.

RESOLVED – That the Authority approved the Corporate Planning and Governance Board Audit Committee Function Annual Report 2014/15.

23 SOUTH YORKSHIRE PENSION FUND ANNUAL FUND MEETING 2015

A report of the Head of Pensions Administration was submitted to advise Members about the 2015 Annual Fund Meeting, which would be held at Doncaster Racecourse on Thursday 22 October 2015 commencing at 5.30pm.

Members noted that the format and style of the meeting would include presentations from the Fund Director and the Head of Pensions Administration plus pre-notified questions from attendees, as at previous events. Subject to testing the quality of the mobile network at the racecourse, the event would be live streamed, which would be new for this year.

RESOLVED – That Members noted that the 2015 Annual Fund Meeting would be held on Thursday 22 October 2015 at Doncaster Racecourse commencing at 5.30pm.

24 MYNERS' PRINCIPLES: COMPLIANCE STATEMENT

A report of the Clerk was submitted to ask Members to approve an updated version of the Myners' Principles Compliance Statement.

The Statement of Compliance with the Myners' Principles had last been approved by Members in September 2013. An updated document had been prepared which reflected the introduction of a Local Pension Board, in anticipation of the establishment of the new website; no other material changes had been made.

RESOLVED – That Members approved the amended version of the Myners' Principles Compliance Statement.

25 **REVIEW OF CORPORATE STRATEGY**

A report of the Clerk was presented to seek Members retrospective approval of a decision by the Chair and Vice Chair to approve the publication of a revised Corporate Strategy Statement.

Members noted that given the lack of clarity surrounding the future of the Local Government Pension Scheme, it had been agreed in March not to review the Authority's Corporate Strategy, and that Local Pension Boards were to be introduced from 1 April 2015. The existing document had not been revised to reflect the introduction of the 2014 LGPS or in light of changes resulting from the dissolution of the South Yorkshire Joint Secretariat. An updated document had been prepared in anticipation of the establishment of the new website; no material changes to the Strategy or Objectives had been made.

RESOLVED – That Members approved the decision of the Chair and Vice Chair to agree to the publication of a revised Corporate Strategy Statement.

26 **REVIEW OF GOVERNANCE COMPLIANCE STATEMENT**

A report of the Clerk was submitted to ask Members to retrospectively approve a revised version of the Fund's Governance Compliance Statement.

The Fund had a statutory requirement to publish a Governance Compliance Statement; the current Statement was dated from June 2013. Regulation 31(3)(c) of the Local Government Pension Scheme (Administration) Regulations 2008 (as amended) applied.

Members noted that the existing document had been reviewed due to the changes resulting from the dissolution of the South Yorkshire Joint Secretariat and the introduction of the 2014 LGPS, and it also incorporated references to the introduction of the Local Pension Board; no material changes had otherwise been made.

RESOLVED – That Members approved the revision of the Governance Compliance Statement.

27 **REVIEW OF PENSIONS ADMINISTRATION SINCE THE IMPLEMENTATION OF THE UPM SYSTEM**

A report of the Head of Pensions Administration was presented to provide Members with a comprehensive review of the experience of the Pensions' Administration Division of the Authority since the implementation of the UPM Pensions Administration System in November 2014.

Members noted that from the 'go live' date to the end of January 2015, there had been a backlog of 11,000 cases, which at its highest had peaked at 13,000 cases. It had been recognised that the backlog could not be reduced without implementing overtime measures which had commenced from January 2015; a total of 10,000 cases had been completed as a result of overtime working. G Chapman commented that overtime working would cease at the end of December 2015. Provided that overtime working continued on the same basis until December 2015, the total estimated cost would be between £45,000 and £50,000. Discussions with other funds had indicated that they had encountered similar backlog problems. G Chapman would provide an update at the December Authority meeting.

Many of the issues that have been encountered have been as a result of doing things for the first time. As we approach nearly one year live we start to repeat things we have experienced before. For instance the pension increase procedure would be able to commence earlier than previously, which will help to avoid the errors that had been incurred last time. It was envisaged that normal business would be resumed at the beginning of 2016.

Members expressed their thanks to the staff for working through such extremely difficult circumstances, together with their dissatisfaction with Civica, the UPM system provider.

Members agreed that a representative from Civica would be invited to a future Authority meeting, to explain their performance and to enable Members to express their dissatisfaction at the service provided.

RESOLVED – That Members:-

- i) Commented specifically on any areas of the report giving rise to major concerns.
- ii) Commented generally on the Authority's position as detailed in the report.
- iv) Agreed that Civica be invited to a future Authority meeting.

28 ANNUAL BENEFIT STATEMENTS

A report of the Head of Pensions Administration was submitted to advise Members about the failure to meet the statutory deadline for the issue of Annual Benefit Statements to active and deferred Members.

Members noted that statements must be issued by 31 August each year; 2015 was an extraordinary year due to it being the first year of CARE and the first time the annual benefit statements had to be produced on UPM, the new administration system. It had been the intention to meet the statutory deadline, with an estimation for completion of 85% of members. It was noted that the selected printing company, who had been requested to print the statements, had indicated that it would be impossible to meet the 31 August 2015 deadline, due to commitments with other LGPS clients who also wished to have their statements issued by 31 August 2015.

The LGA had ran a national survey, due to a number of LGPS pension funds being in a similar position. The results had indicated that most funds were unable to meet the

deadline and the LGA had undertaken to approach the Pensions Regulator on behalf of the LGPS, who had indicated that administering authorities could take into account the reference to teething problems in paragraph 257 of the Code of Practice, in relation to the introduction of the new scheme and the new statutory deadline for issuing statements when assessing the materiality of any breach.

Members noted the new target of 31 December 2015, for all annual benefit statements to be despatched; it had been agreed with the printing company to send sizeable batches once prepared; scheme members had been made aware of the delay on the website.

As a result of time dependent information, in relation to the annual fund meeting in October, which was contained within the autumn newsletter, this had been despatched, and had resulted in a loss of savings made on postage by not having a joint mailing; but the annual benefit to deferred members had been included in the mailing as originally planned.

Members noted the long term aim for employers to provide monthly returns, and for issues to be dealt with as and when they occurred throughout the year; the issue would be raised at the Employers Forum in November.

Members queried the deadline for online submissions of the self-assessment.

RESOLVED – That:-

- i) Members noted the contents of the report.
- ii) The Head of Pensions Administration would inform Members of the deadline for online submissions of the self-assessment.

29 APPOINTMENT OF FUND DIRECTOR

A report of the Deputy Clerk was presented to notify the Authority of the Fund Director's intention to retire with effect from the end of March 2016 and to outline the process for the appointment of a successor.

Members noted the proposal to establish an Appointments Panel to comprise of the Authority's Chair, Vice Chair and Section 41 representatives from Doncaster and Sheffield, together with the Clerk to the Pensions Authority.

Councillor Ellis gave thanks to J Hattersley, who had indicated a degree of flexibility in the commencement of his retirement, to allow the appointment of his replacement.

Councillor Ellis commented that the Appointments Panel would establish the level of HR support required at its' first meeting. An options paper would be produced to highlight the process required to enable the most appropriate assistance to be sought from BMBC or another. It was noted that a special Authority meeting could be held at the conclusion of the process, if required, to provide reassurance to Members.

RESOLVED – That Members:-

- i) Agreed to the establishment of an Appointments Panel and its proposed membership.
- ii) Noted the proposed timeframe for appointment.
- iii) Agreed that the Appointments Panel would have delegated authority to make appointment to the position of Fund Director on behalf of the Authority.
- iv) Noted that if required, a special Authority meeting could be held at the conclusion of the process, to provide reassurance to Members.

CHAIR