

# Public Document Pack



## TRAFFORD COUNCIL

Tuesday, 20 November 2018

Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH

Dear Councillor,

Your attendance is requested at a meeting of the Council of the Borough of Trafford on **WEDNESDAY, 28 NOVEMBER 2018, at 7.00 PM** in the **COUNCIL CHAMBER, TRAFFORD TOWN HALL, TALBOT ROAD, STRETFORD**, for the transaction of the business set out below:

- |   | <b>Pages</b> |
|---|--------------|
| <b>1. Minutes</b>   |              |
| To approve as a correct record the Minutes of the Meeting of the Council held on 26 September 2018 for signature by the Mayor as Chairman.  | 1 - 16       |
| <b>2. Announcements</b>   |              |
| To receive any announcements from the Mayor, Leader of the Council, Members of the Executive, Chairmen of Scrutiny Committees and the Head of Paid Service.   |              |
| <b>3. Questions By Members</b>  |              |
| This is an opportunity for Members of Council to ask the Mayor, Members of the Executive or the Chairman of any Committee or Sub-Committee a question on notice under Procedure Rule 10.2.  |              |
| <b>4. Appointments to Outside Bodies 2018/19</b>  |              |
| To note that the Interim Chief Executive, in consultation with the Leader of the Council, appointed Councillor Kevin Procter as the Council's representative on the Greater Manchester Combined Authority Statutory Functions Committee, as a replacement for Councillor Lawrence Walsh effective from 28 September 2018. |              |

5. **Recruitment of Head of Paid Service / Chief Executive**
- To consider a report of the Corporate Director of People. 17 - 20
6. **Constitution Working Group – Proposed Changes to the Council’s Constitution**
- To consider a report of the Corporate Director of Governance & Community Strategy and Monitoring Officer. Recommendations had been made by Standards Committee on 17 October 2018, Scrutiny Committee on 7 November 2018 and the report was also to be considered by the Executive on 26 November 2018. 21 - 32
7. **Investment Management Board Terms of Reference**
- To consider a report of the Corporate Director of Place. 33 - 38
8. **Council Tax Support Scheme for 2019/20**
- To consider a report of the Executive Member for Finance further to a referral from the Executive meeting held on 29 October 2018. 39 - 50
9. **Gambling Act 2005 - Statement of Gambling Policy Statement 2019-2022**
- To consider a report of the Corporate Director of Place. 51 - 98
10. **Motions**
- To consider the following motions submitted in accordance with Procedure Rule 11:
- (a) **Motion Submitted by the Labour Group - Breaking Point Campaign**
- This Council notes that many council budgets are now at Breaking Point. Austerity has caused huge damage to communities up and down the UK, with devastating effects on key public services that protect the most defenceless in society - children at risk, disabled adults and vulnerable older people - and the services we all rely on, like clean streets, libraries, and children’s centres;
- Tory cuts mean councils have lost 60p out of every £1 that the last Labour Government was spending on local government in 2010;
  - Councils had to spend an extra £800m last year to meet the demand on vital services to protect children by over;

*Continued ...*

- With an aging population and growing demand adult social care faces a gap of £3.5 billion – with only 14% of council workers now confident that vulnerable local residents are safe and cared for;
- Government cuts have seen over 500 children’s centres and 475 libraries close, potholes are left unfilled, and 80% of councils’ workers now say they have no confidence in the future of local services;
- Northamptonshire has already gone bust due to Tory incompetence at both national and local level, and more councils are predicted to collapse without immediate emergency funding;
- Councils now face a further funding gap of £7.8 billion by 2025 just to keep services ‘standing still’ and meeting additional demand. Even Lord Gary Porter, the Conservative Chair of the Local Government Association, has said ‘Councils can no longer be expected to run our vital local services on a shoestring’.

This Council condemns Chief Secretary to the Treasury Liz Truss for stating on BBC Newsnight on 1 October 2018 that the government is “not making cuts to local authorities”, when all independent assessments of government spending show that this is entirely false; and that this Council further notes that Prime Minister Theresa May has also claimed that “austerity is over” despite planning a further £1.3bn of cuts to council budgets over the next year;

This Council agrees with the aims of the ‘Breaking Point’ petition signed by Labour councillors across the country, in calling for the Prime Minister and Chancellor to truly end austerity in local government by:

- Using the Budget to reverse next years planned £1.3bn cut to council budgets;
- Immediately investing £2 billion in children’s services and £2 billion in adult social care to stop these vital emergency services from collapsing;
- Pledging to use the Spending Review to restore council funding to 2010 levels over the next four years.

This Council resolves to:

- Support the ‘Breaking Point’ campaign, recognising the devastating impact that austerity has had on our local community;
- Ask the Leader of the Council to write to the Chancellor of the Exchequer, the Prime Minister, and the Secretary of State for Housing, Communities and Local Government setting out the funding pressures faced by our local council, and calling on the Government to truly end austerity in local government.

**(b) Motion Submitted by the Labour Group - Looked After Children and Promoting Foster Care in Trafford**

Foster carers who combine fostering with other work say that a supportive employer can make all the difference enabling them to balance employment with caring for looked after children.

Foster carers are very special people who deserve all the support we can give them, they make a real difference to the lives of children and young people who come in to care. Council wants to give our employees who are fostering, or are considering becoming foster carers, the support they need to carry out this important role. We want to raise the profile of fostering and encourage people to consider becoming foster carers.

This Council therefore commits to implementing a Foster Friendly Human Resources policy for all Trafford Council employees who are also foster carers at the same time.

Council therefore undertakes to, for our looked after children:

- Establish a work experience policy in the Council;
- Guarantee an interview for any care leaver that meets the person specification;
- Establish regular taster opportunities;
- Drive forward ring fencing of apprenticeships;
- Promote Job opportunities for care leavers within the Council and with partners.

**(c) Motion Submitted by the Green Party Group with the support of a Liberal Democrat Member - Climate Emergency**

Council notes the findings of the Intergovernmental Panel on Climate Change (IPCC) report 'Global warming of 1.5°' published on 8 October 2018, in particular:

- That human activities are estimated to have already caused approximately 1.0°C of global warming above pre-industrial levels;
- That if we continue at the current rate, we are likely to surpass the Paris Agreement target of 1.5°C as early as 2030;
- That at the current level of commitments, the world is on course for 3°C of warming with irreversible and catastrophic consequences for humans and the natural world.

*Continued ...*

Council believes that:

- That the impacts of global temperature rise above 1.5°C, are so severe that governments at all levels must work together and make this their top priority.
- As well as large-scale improvements in health and wellbeing around the world, bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities.

Therefore, Council agrees:

- To declare a 'climate emergency'.
- To establish a new task and finish group, with a remit to:
  - (i) Seek advice from experts to develop a carbon budget and set a challenging target date for carbon neutrality in Trafford;
  - (ii) Consider systematically the climate change impact of each area of the Council's activities;
  - (iii) Make recommendations and set an ambitious timescale for reducing these impacts;
  - (iv) Report to full Council with the actions the Council needs to take to address this emergency.
- To require all report risk assessments to include Carbon Emission Appraisals, including presenting alternative approaches which reduce emissions wherever possible.
- To task a director level officer with responsibility for reducing as rapidly as possible, the carbon emissions resulting from the Council's activities.
- To produce a report to the next Full Council on the level of investment in the fossil fuel industry that our pensions plan and other investments have.
- That the leader will write to the Prime Minister to inform her that Trafford has declared a climate emergency and ask her to provide the resources and powers necessary to deal with it.

(d) **Joint Motion Submitted by the Liberal Democrat Group and Green Party Group - Fracking**

The process of hydraulic fracturing for shale gas (known as 'Fracking') is a harmful distraction from investment in clean and renewable energy. The consequences of fracking will be harmful for our borough, our region and our planet.

The environmental risks of 'Fracking' are numerous. We know that in order to best protect ourselves against runaway climate change, the majority of fossil fuel reserves must remain in the ground. Fracking makes a mockery of this imperative and produces many other side effects that are detrimental to our environment. According to the British Geological Survey, "*Groundwater may be potentially contaminated by extraction of shale gas from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flow-back water which may have a high content of saline formation water.*" In England, groundwater is used to supply a third of our drinking water according to Friends of the Earth. Fracking is an intensively industrial process with around 50 heavy goods vehicle movements a day, usually in areas where infrastructure is already poor. There are other risks to the environment including a higher risk of earthquakes - recent reports from Lancashire and the Netherlands confirm these risks - and air pollution.

Extensive production of shale gas is likely to undermine investment in renewable practices, which will substantially hinder the UK's ability to decarbonize its economy and fulfil the requirements of the UK Climate Change Act (2008) and the Paris Climate Agreement (2015).

Fracking, along with similar processes such as coal-bed methane extraction, are not only worse for the environment than renewable energy practices but they also contribute less economic benefit. It was suggested by the previous Government that Fracking could create 70,000 UK jobs. However, numbers from the USA suggest that just 4 new jobs are created per new fracking well, meaning that a huge number of wells would be needed to reach 70,000 jobs.

This Council notes that:

- Hydraulic Fracturing presents a clear threat to our local environment and exacerbates global climate change;
- This Council accepts the IPCC's conclusions that we must keep climate change within an additional 1.5 degrees Celsius;
- That the Public Attitudes Tracker Survey showed that only 19% of the British public support Fracking whereas 81% support renewable energy;
- Investment in renewable energy creates far more jobs than shale gas extraction.

*Continued ...*

This Council resolves to:

- Reaffirm its opposition to Fracking in Trafford;
- Lobby against the Government's proposals for Fracking;
- Request the Leader of the Council write to the Secretary of State for Business, Energy and Industrial Strategy outlining this Council's opposition to Fracking and lobbying for investment in renewable energy;
- Request the Leader of the Council write to the Leaders of Local Authorities in Greater Manchester and the Mayor of Greater Manchester asking them to join Trafford in opposing Fracking and lobbying the Government for renewable energy investment;
- Identify ways for this Council to lead by example in the development of low-carbon energy supplies.

(e) **Motion Submitted by the Conservative Group - Altrincham Health and Wellbeing Hub**

This Council expresses its deep disappointment that the Altrincham Health and Wellbeing Hub does not appear destined to be used for its original purpose of being home to primary and community based care services, library and community hub.

Whilst it is right that the circumstances leading up to this situation are examined, the Council commits to working with its NHS partners and the wider set of stakeholders to ensure that this fantastic building is used for what it was originally intended, acknowledging that anything less will not be acceptable to the residents of Trafford.

The Council is opposed to the unreasonable expenditure of further taxpayer funds to convert this new build into offices, in the absence of further public information around steps taken to outline the detailed steps taken to ensure health and wellbeing services are provided from the hub.

Council therefore resolves to:

- Make clear its position to the Greater Manchester Health and Social Care Partnership, NHS Trafford Clinical Commissioning Group and other key stakeholders as required.
- Commit to working tirelessly to ensure the building is opened as it was originally intended with a full complement of health services.
- Request that Health Scrutiny be engaged to ensure actions and progress are tracked on a cross party basis receiving regular updates as determined by the Chairman of the Committee.

**(f) Motion Submitted by the Conservative Group - Car Parking Charges**

This Council is opposed to plans recently outlined by the Labour-led administration to extend the period of charging in Council owned car parks to 8.00 p.m. from 2020/21. Council considers that after so many years effort to revitalise our town centres that this is a retrograde step that would harm a responsible evening economy, local businesses and shops.

Council therefore resolves to oppose these proposals and respond to the budget consultation accordingly calling on this change and the proposed increase to be removed from the final budget proposals when issued.

**(g) Motion Submitted by the Green Party Group with the support of a Liberal Democrat Member - End the Badger Cull**

This motion recognises the harm caused by Bovine TB to cattle but believes the Government's national Badger Cull is the wrong answer. Recent studies produced in an Independent Scientific Review in 2018 by Professor Sir Charles Godfray, state that the cull only has a modest impact on the disease. They're encouraging the government to follow vaccination programmes and for farms to enforce better management programmes to combat the disease.

A 2014 report by an Independent Expert Panel of scientists appointed by Defra to assess the effectiveness and humaneness of the 2013 pilot badger culls, concluded:

- The culls did not even come close to reducing badger populations by the 70% needed, the minimum level deemed to have any significant effect in reducing Bovine Tuberculosis in cattle;
- Coverage of 70% of the land in the cull area, another essential criteria for having any significant effect, could not be confirmed making the cull ineffective;
- Up to 18% of badgers shot were still alive after 5 minutes and at risk of experiencing marked pain, meaning up to 422 badgers may have suffered marked pain.

This Council notes:

- That strong objections to badger culling have been expressed in the UK which resulted in a petition of over 100,000 people in 2017;
- Parliament overwhelmingly voted by 219 votes to one in March 2014 to halt the badger cull stating the trials had "decisively failed" - though the result was non-binding;

*Continued ...*



- That despite contradicting statements there is strong scientific evidence that culling badgers has not made a difference to the numbers of bovine TB;
- That leading scientists in this field agree that a cull will make little or no difference and that free shooting has not been scientifically tested anywhere and could even spread bovine TB;
- The National Trust and the 37 County Wildlife Trusts are not allowing the cull to take place on their land and are working with farmers and landowners on alternative methods.

This Council agrees to:

- Oppose the Government's decision to cull badgers in England;
- Urge the Government to reconsider the decision as there is no scientific, economic or moral basis for culling;
- Remind the Government that badgers are a legally protected species and to kill them without knowing the full facts is a disgrace. There is now increasing public disquiet and disbelief at the violence and animal suffering associated with the badger cull;
- To not voluntarily allow badger culling on land in its ownership or any land tenanted.

Yours sincerely,



**JIM TAYLOR**

Interim Chief Executive

Membership of the Council

Councillors T. Ross (Mayor), R. Chilton (Deputy Mayor), D. Acton, S. Adshead, S.B. Anstee, S.K. Anstee, Dr. K. Barclay, J. Baugh, J. Bennett, Miss L. Blackburn, R. Bowker, C. Boyes, Mrs. A. Bruer-Morris, J. E. Brophy, B. Brotherton, D. Bunting, D. Butt, T. Carey, M. Cawdrey, G. Coggins, M. Cordingley, J. Coupe, J. Dillon, A. Duffield, Mrs. L. Evans, N. Evans, M. Freeman, Mrs. D.L. Haddad, J. Harding, J. Holden, D. Hopps, M. Hyman, C. Hynes, D. Jarman, D. Jerrome, P. Lally, J. Lamb, J. Lloyd, S. Longden, E. Malik, A. Mitchell, P. Myers, A. New, E. Patel, K. Procter, J.R. Reilly, B. Rigby, B. Sharp, B. Shaw, J. Slater, E.W. Stennett, S. Taylor, S. Thomas, L. Walsh, A. Western, D. Western, M. Whetton, G. Whitham, A.M. Whyte, A.J. Williams, J.A. Wright, M. Young and Mrs. P. Young

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### Further Information

For help, advice and information about this meeting please contact:

Ian Cockill, Democratic Services Officer

Tel: 0161 912 1387

Email: [ian.cockill@trafford.gov.uk](mailto:ian.cockill@trafford.gov.uk)

This Summons was issued on **Tuesday, 20 November 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH

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# Public Document Pack Agenda Item 1

## TRAFFORD BOROUGH COUNCIL

26 SEPTEMBER 2018

### PRESENT

The Worshipful the Mayor (Councillor Tom Ross), in the Chair.

|                           |                  |               |
|---------------------------|------------------|---------------|
| R. Chilton (Deputy Mayor) | J. Dillon        | A. New        |
| D. Acton                  | A. Duffield      | E. Patel      |
| S. Adshead                | Mrs. L. Evans    | K. Procter    |
| S.B. Anstee               | N. Evans         | B. Rigby      |
| S.K. Anstee               | M. Freeman       | B. Sharp      |
| Dr. K. Barclay            | Mrs. D.L. Haddad | B. Shaw       |
| J. Baugh                  | J. Harding       | J. Slater     |
| J. Bennett                | J. Holden        | E.W. Stennett |
| Miss L. Blackburn         | D. Hopps         | S. Taylor     |
| R. Bowker                 | M. Hyman         | S. Thomas     |
| C. Boyes                  | C. Hynes         | L. Walsh      |
| Mrs. A. Bruer-Morris      | D. Jarman        | A. Western    |
| J. Brophy                 | D. Jerrome       | D. Western    |
| B. Brotherton             | P. Lally         | M. Whetton    |
| D. Bunting                | J. Lamb          | G. Whitham    |
| D. Butt                   | J. Lloyd         | A.M. Whyte    |
| T. Carey                  | S. Longden       | A.J. Williams |
| M. Cawdrey                | E. Malik         | J.A. Wright   |
| G. Coggins                | A. Mitchell      | M. Young      |
| J. Coupe                  | P. Myers         | Mrs. P. Young |

### In attendance

|   |                  |
|---|------------------|
| Interim Chief Executive                                 | Mr. J. Taylor    |
| Corporate Director of Governance and Community Strategy | Ms. J. Le Fevre  |
| Head of Governance                                      | Mr. P. Forrester |
| Senior Democratic and Scrutiny Officer                  | Mr. I. Cockill   |

### APOLOGIES

Apologies for absence were received from Councillors M. Cordingley and J.R. Reilly.

### 32. MINUTES

That the Minutes of the Meeting of the Council held on 25 July 2018, be approved as a correct record and signed by the Chairman.

### 33. ANNOUNCEMENTS

(a) Former Councillor Mrs. Marie Harney

With regret, the Mayor informed the Council that since the last meeting, former Councillor Mrs. Marie Harney, Mayor of Trafford in 2002/03, had sadly passed

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away and her funeral had been held on 24 August. The Council stood in silence as a mark of respect and in memory of a former colleague who represented the Bowdon Ward from 1989 to 2004.

(b) National Brass Band Finals

The Mayor took the opportunity to mention that both the Flixton and Sale Bands competed recently in the National brass band finals held in Cheltenham. The Council joined with the Mayor in congratulating the bands on their performances, for which the Borough could be proud.

### 34. QUESTIONS BY MEMBERS

The Mayor reported that 5 questions had been received under Procedure Rule 10.2.

(a) Councillor Chilton asked the following question for which he had given notice:

*“I was advised earlier this year that a Tree Preservation Order on Dainewell and Millennium Woods on the Sale/Carrington border had been approved and simply required legal work. It now transpires this was not the case and the woods haven’t even been surveyed by the Council. Would the Executive Member support local residents of St. Mary’s and Bucklow St. Martin’s Wards by ensuring that the Tree Preservation Order is progressed and approved as a matter of urgency?”*

Councillor Wright, the Executive Member for Investment, Regeneration and Strategic Planning stated that he was entirely supportive of protecting the Borough’s trees where it was appropriate to do so. Tree Preservation Orders were made to protect specific trees, groups of trees or woodlands in the interests of ‘amenity’. The making of an Order prohibited the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the consent of the Local Planning Authority. Anyone who wished to carry out works to trees subject of a Tree Preservation Order (TPO) needed to make an application to the Council for consent for those works, which may then be granted or refused. The carrying out of unauthorised works to protected trees was a criminal offence.

The Executive member confirmed that an assessment of the trees in Dainewell Woods would be undertaken as a matter of priority, in accordance with government guidance, to determine whether they merited protection under a TPO which could only be made, following statutory consultation and the confirmation of the Order. The Planning Service prioritised the making of TPOs by assessing whether trees were under imminent threat, however, there was presently nothing to suggest that the trees at Dainewell Woods were under threat, such as a live planning application. Nevertheless, Councillor Wright indicated that the Planning Service would prioritise the request and undertake an assessment of the trees in October.

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Councillor Chilton was encouraged that the request would be prioritised and asked as a supplementary question, whether the Executive Member would personally support it. Councillor Wright preferred not to comment either way until the experts had made their assessment which would then enable an educated response to be made.

- (b) Councillor Mrs. Brophy asked the following question for which she had given notice:

*“Please would the Executive member explain what weed killers are used by Trafford Council and its contractors.*

*What plans does the Council have to protect the natural environment, biodiversity, the public and our Parks and Green Spaces?”*

Councillor Adshead, the Executive Member for Environment, Air Quality and Climate Change advised that the Council and its contractors used a weed control product called Rosate 360 TF which was absorbed by the weed foliage and translocated to the growing points in the roots and to the underground rhizomes/stolons of perennial weeds. After application, glyphosate was strongly absorbed onto the soil particles and became practically immobilized within the soil. As a result, Rosate 360 TF had no further herbicidal activity and was subsequently broken down by microbial activity.

The Executive Member acknowledged that the use of glyphosate had become a subject of debate with scientific studies to both approve and disapprove its toxicity and whilst still licensed for use, some local authorities were taking steps to ban herbicides. With regard to future plans, the Council was in the process of evaluating its vegetation management programme, investigating the options available and comparing them to the current programme of weed control and considering other effective and sustainable solutions.

Councillor Mrs. Brophy asked as a supplementary question whether there were plans to investigate more biodiverse ways of tackling weeds in the Borough. Councillor Adshead assured Councillor Mrs. Brophy that the Council would continue to investigate all the available alternatives, acknowledging that certain previous methods had caused problems with some ‘Friends of Park’ planting schemes. The Executive member envisaged that more information would be provided at a future point as the options evolved.

- (c) Councillor Coggins asked the following question for which she had given notice:

*“Given the very high percentage of on-street parking in Trafford, how is this council making it easier for residents and businesses to move to electric and low-emission vehicles?”*

Councillor Adshead, the Executive Member for Environment, Air Quality and Climate Change reported that the Council was seeking to increase provision of On-street Electric Vehicle Chargepoints in Trafford via the Office for Low Emission

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Vehicles grant funding scheme to fund 75% of the implementation costs of Electric Vehicle (EV) Chargepoints.

Consideration was being given to a report which would enable an initial application to be made to the grant provider for the introduction of 6 chargepoints in the borough and, if successful, these would be programmed for implementation during the current financial year. Future requests would be collated and considered for a further bid the next financial year to further increase the number of EV chargepoints across the borough.

In addition, officers had recently started working with Transport for Greater Manchester (TfGM) on its EV project that had funding to provide an additional 48 rapid charging points across Greater Manchester in 2019. Sites were currently being considered in Trafford for further investigation with TfGM during the next few months.

As a supplementary question, Councillor Coggins asked what action the Council was taking to integrate the charging points with renewable energy. Councillor Adshead advised that he would consult with officers and obtain the information regards the options for renewable energy.

(d) Councillor Mrs. Young asked the following question for which she had given notice:

“Hale Village shopping has been badly affected by the lack of available parking. In the Unitary Development Plan the Council seeks to maintain local and neighbourhood shopping centres to ensure there are adequate facilities conveniently located to serve the day to day needs of the community. Will the Executive Member please confirm that car parking facilities in Hale District Centre will not be reduced?”

Councillor Adshead, the Executive Member for Environment, Air Quality and Climate Change acknowledged that there were many challenges to the borough's town and village centres, with changes in lifestyles and the rise in internet shopping, alongside wider economic changes all having an effect. Whilst the provision of parking was an element, he stated that it was not the only factor.

The Council operated 3 pay and display car parks in Hale Village, providing a total of 262 spaces which was more than either Sale Moor or Urmston. In addition, Hale also had free on street parking across the Village with up to 100 spaces of between 1 and 2 hours and a small free car park on Cecil Road with approximately 21 spaces.

Current usage surveys of car park use revealed that Cecil Road had a 75% occupancy level, Victoria Road 71% and Brown Street 44%. As Brown Street car park was underutilised, the Council was at present consulting on proposals for its regeneration to include affordable housing, whilst maintaining a car park with provision above current occupancy levels.

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Councillor Mrs. Young asked as a supplementary question for an explanation as to why the Brown Street proposal would now significantly reduce the number of car parking spaces when the invitation to tender specified that the number of spaces should be retained. Councillor Adshead reiterated that the car park was underused and that the proposal would provide for parking in excess of current usage. The Executive Member, however, did not wish to pre-empt the consultation, which was currently ongoing and recognised that the proposals could change as a result of the outcome.

- (e) Councillor Jerrome asked the following question for which he had given notice:

*“This Council’s Tree Replacement Policy could see the felling of 350 healthy, mature trees across Trafford costing potentially over half-a-million pounds. Will this administration continue to support this scheme and is the consultation process rigorous enough?”*

Councillor Adshead, the Executive Member for Environment, Air Quality and Climate Change clarified that approximately 60 mature trees had been identified for potential removal in the current financial year and not the 350 stated in the question. The Executive Member advised that consultation included all properties on a road highlighted for a tree removal scheme, neighbouring properties that had trees adjacent/to their rear and Ward Councillors. The Consultation process took approximately 4 weeks to complete with residents provided with a detailed explanation of the work planned, feedback form and a stamped addressed envelope. Schemes would only proceed if the majority of residents supported the Council’s proposals. Councillor Adshead explained that the consultation process had been in place for approximately 10 years and had been well supported by residents with a high feedback return over that period.

Councillor Adshead also added that on becoming Executive Member he had asked for a full review of the Council’s tree policy and in particular, advocated the planting of replacement trees, as close as was practically possible to those that had been removed.

As a supplementary question, Councillor Jerrome asked, why it was that many healthy trees in their prime, often half way through their life cycle were being targeted. In response, Councillor Adshead stated that on the whole, trees were removed if they were dead, dying or dangerous with the exception being specialist tree programmes that the Council had to undertake. It was also acknowledged that mistakes may have been made many years ago with unsuitable species planted in the wrong location resulting in problems as the trees developed. As the Executive Member had mentioned, the Council would be looking at the issue further with a review of the tree policy and envisaged better management through special tree programmes.

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**35. TRANSPORT FOR GREATER MANCHESTER (TFGM) GOVERNANCE ARRANGEMENTS**

The Corporate Director of Governance and Community Strategy submitted a report advising the Council of revised governance arrangements for the TfGM Committee and seeking agreement of the new Operating Agreement. The Council was also requested to confirm its representation on the Committee.

RESOLVED –

- (1) That the Council agrees to the size of TfGM Committee as 23 members.
- (2) That Councillor Adshead be appointed to the TfGM Committee and that the Council nominates Councillor Hopps to be appointed by Greater Manchester Combined Authority (GMCA) to ensure political balance.
- (3) That the Council notes that the remaining 2 appointments are 1 member appointed by GMCA and 1 member appointed by the Mayor.
- (4) That the Council agrees to amend the Operating Agreement to reflect these changes.
- (5) That the Council notes that the Terms of Reference will be reviewed to ensure that they reflect the Mayor's current transport powers with a further review in 2019/20 to reflect proposed powers.

**36. RECRUITMENT OF HEAD OF PAID SERVICE / CHIEF EXECUTIVE**

The Corporate Director of People submitted a report setting out the proposed organisational arrangements to secure the appointment of a single Head of Paid Service / Chief Executive.

RESOLVED: That the Council:

- (1) Notes that at its meeting on 10 September 2018, Employment Committee agreed the recruitment process and supported the recommendations outlined in the report now submitted.
- (2) Notes the arrangement whereby the Chief Executive was also appointed to act as the Accountable Officer (AO) for Trafford NHS Clinical Commissioning Group (CCG) is to be discontinued.
- (3) Notes that it is proposed to recruit to the role of Head of Paid Service and that, following approval by the CCG's Remuneration Committee and Governing Body that the two roles of AO and Head of Paid Service should be de-coupled, the CCG will recruit to the role of AO.
- (4) Agrees that the post of Chief Executive / Head of Paid Service be recruited to at a salary maximum of £165,000.



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- (5) Agrees that the approval of all details of the recruitment and selection process, as required by Part 4 of the Council's Constitution, be delegated to an Appointments Committee.
- (6) Notes that the Appointments Committee will undertake the recruitment and make a recommendation of the selected candidate to Council, in accordance with the requirements of Part 4 of the Council's Constitution.
- (7) Notes that the position will be advertised externally within the appropriate media and also notes the overall timescales for the process proposed in Appendix 1 of the report.
- (8) Agrees the engagement of a specialist recruitment agency to support the candidate search, candidate management and longlisting process.

**37. MOTION SUBMITTED BY THE LABOUR GROUP - WOMEN AGAINST STATE PENSION INEQUALITY CAMPAIGN**

(Note: Councillor Mrs. Western, the Mover of the Motion, declared a personal interest in the matter since she was directly affected by the pension changes and remained in the meeting.

Councillor A. Western also declared a personal interest as a result of his mother's interest.)

It was moved and seconded that:

“Council calls upon the Government to reconsider transitional arrangements for women born on or after 6 April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6 April 1951, who have unfairly borne the burden of the increase to the State Pension Age with lack of appropriate notification. Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid

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and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.”

Following a debate on the matter, the Motion was put to the vote and declared carried.

RESOLVED: That Council calls upon the Government to reconsider transitional arrangements for women born on or after 6 April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6 April 1951, who have unfairly borne the burden of the increase to the State Pension Age with lack of appropriate notification. Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

**38. MOTION SUBMITTED BY THE LABOUR GROUP - GOVERNMENT CUTS TO POLICE BUDGETS**

(Note: Councillor Freeman declared a personal interest in the matter being in receipt of an occupational pension from Greater Manchester Police and remained in the meeting.

Councillor Lally also declared a personal interest in the matter as his sister-in-law was a serving Greater Manchester Police Officer and remained in the meeting.)

It was moved and seconded that:

“This Council:

- notes the increasing pressures facing Greater Manchester Police (GMP).
- supports the warnings of a multitude of agencies, that nationally police forces are reaching a breaking point as a result of the wide ranging cuts initiated by the Conservative Government. This has left forces across the

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country and here in Trafford depleted to critical levels. This is against a background of a continued rise in reported crime across the city region. Recent statistics show a 27 per cent increase in total recorded crime in Greater Manchester, with a rise across the majority of crime types, including sexual offences and robbery.

- welcomes the announcement by GM Deputy Mayor with responsibility for Police, Bev Hughes for 100 additional officers; but recognises that this will not fill the gap that has been created following eight years of real term cuts imposed on Greater Manchester Police.
- believes that the Government should rethink their strategy for policing and adopt Labour's 2017 manifesto commitment, pledging to put 10,000 additional police on to the streets of England and Wales.
- welcomes GMP's commitment to neighbourhood policing, with its key emphasis on tackling crime and antisocial behaviour, as well as a focus on problem solving and crime prevention through enhancing local intelligence gathering. It is noted that police officers work collaboratively with partner agencies in Greater Manchester and particularly in Trafford to provide a bespoke service that best meets the needs of each community, with an increased focus on utilising early partnership based intervention. This progressive approach is however being severely hampered by the Government cuts to the police service which weakens community cohesion and puts the safety of our residents at increasing risk.

Council therefore calls upon the Leader of the Council to write to the Home Secretary condemning the scale of government cuts to the police since 2010 and calling for a properly funded police force."

It was moved and seconded as an amendment that:

"This Council:

- notes the increasing pressures facing Greater Manchester Police and that policing is the responsibility of the Mayor of Greater Manchester;
- notes the concern of these increased pressures faced by Greater Manchester Police, and the steps taken by to assist including the ability to levy a higher precept and ongoing funding from Government;
- notes that Trafford remains the safest place to live in Greater Manchester and places on record our appreciation for the work of Greater Manchester Police and community safety teams;
- welcomes the announcement of 100 additional police officers; and calls on the Chief Constable to ensure Trafford receives it's fair allocation of additional resources; and
- welcomes GMP's commitment to neighbourhood policing, with its key emphasis on tackling crime and antisocial behaviour, as well as a focus on problem solving and crime prevention through enhancing local intelligence gathering. It is noted police officers work collaboratively with partner agencies in Greater Manchester, and particularly in Trafford to provide a bespoke service that best meets the needs of each community, with an increased focus on utilising early partnership based intervention.

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Therefore, Council calls upon the Leader of the Council to write to the Home Secretary to request that Greater Manchester Police remains sufficiently funded in future to meet its challenges and write to the Mayor of Greater Manchester demand new resources that have been disproportionately removed from Trafford are re-allocated.”

Following a debate on the matter, the amendment was put to the vote and declared lost. A further speech in respect of the substantive Motion was made before it was put to the vote and declared carried.

RESOLVED: That this Council:

- notes the increasing pressures facing Greater Manchester Police (GMP).
- supports the warnings of a multitude of agencies, that nationally police forces are reaching a breaking point as a result of the wide ranging cuts initiated by the Conservative Government. This has left forces across the country and here in Trafford depleted to critical levels. This is against a background of a continued rise in reported crime across the city region. Recent statistics show a 27 per cent increase in total recorded crime in Greater Manchester, with a rise across the majority of crime types, including sexual offences and robbery.
- welcomes the announcement by GM Deputy Mayor with responsibility for Police, Bev Hughes for 100 additional officers; but recognises that this will not fill the gap that has been created following eight years of real term cuts imposed on Greater Manchester Police.
- believes that the Government should rethink their strategy for policing and adopt Labour’s 2017 manifesto commitment, pledging to put 10,000 additional police on to the streets of England and Wales.
- welcomes GMP’s commitment to neighbourhood policing, with its key emphasis on tackling crime and antisocial behaviour, as well as a focus on problem solving and crime prevention through enhancing local intelligence gathering. It is noted that police officers work collaboratively with partner agencies in Greater Manchester and particularly in Trafford to provide a bespoke service that best meets the needs of each community, with an increased focus on utilising early partnership based intervention. This progressive approach is however being severely hampered by the Government cuts to the police service which weakens community cohesion and puts the safety of our residents at increasing risk.

Council therefore calls upon the Leader of the Council to write to the Home Secretary condemning the scale of government cuts to the police since 2010 and calling for a properly funded police force.

**39. MOTION SUBMITTED BY THE LABOUR GROUP - EDUCATION RESULTS**

It was moved and seconded that:

“This year, yet again, an excellent set of results from Trafford pupils in the face of a toughening and changing examination landscape and will see

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Trafford amongst the very highest performing authorities and its pupils amongst the highest achievers in the country.

This Council puts on record our congratulations to all our children and young people who have achieved so highly in the key stage 2 attainment outcomes and also the GCSE results and A level results all of which were way above the national average.

It is important that we recognise also the dedication and commitment of our Local Education Authority staff, head teachers and teaching staff plus support given by parents, guardians and school governors and our early years staff as education starts before birth.

However we must never be complacent and this Council believes that a local authority be judged not only on its academic but also on the achievements of its most vulnerable children, and the education outcomes of our special needs children.

We are determined that all our children across the borough will receive the very best education and opportunities in life.”

It was moved and seconded as an amendment that a final paragraph be added as follows:

“This Council recognises the important role our education system in Trafford, consisting of selection, grammar and high schools working excellently alongside each other, with our primary schools contributing too and sees this as the differentiating factor in achieving educational success. Therefore, the Council places on record its support for the continuation of this system in the borough.”

(Note: Prior to the debate on this item, the time being 8.40 p.m., the Mayor indicated that, for the remainder of the meeting, all speeches would now be limited to a maximum of one minute per speaker.)

Following a debate on the matter, the amendment was put to the vote and declared lost. The substantive Motion was then put to the vote which was carried unanimously.

RESOLVED: That this year, yet again, an excellent set of results from Trafford pupils in the face of a toughening and changing examination landscape and will see Trafford amongst the very highest performing authorities and its pupils amongst the highest achievers in the country.

This Council puts on record our congratulations to all our children and young people who have achieved so highly in the key stage 2 attainment outcomes and also the GCSE results and A level results all of which were way above the national average.

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It is important that we recognise also the dedication and commitment of our Local Education Authority staff, head teachers and teaching staff plus support given by parents, guardians and school governors and our early years staff as education starts before birth.

However we must never be complacent and this Council believes that a local authority be judged not only on its academic but also on the achievements of its most vulnerable children, and the education outcomes of our special needs children.

We are determined that all our children across the borough will receive the very best education and opportunities in life.

**40. MOTION SUBMITTED BY THE GREEN PARTY GROUP WITH THE SUPPORT OF A LIBERAL DEMOCRAT MEMBER - PASSIVHAUS STANDARDS**

It was moved and seconded that:

“This Council notes:

- The government cancelling the introduction of Zero Carbon Home Standards in 2016;
- The negative impact this will have on householders at risk of fuel poverty in new housing;
- The missed opportunity to reduce carbon emissions in new developments;
- The loss of income to the local economy as a result of these lower energy efficiency standards, as householders’ income is spent paying energy bills rather than in local shops and on local services.

This Council believes:

- That under the principle of ‘localism’ councils can determine their own standards on land that they own if those standards comply with UK Building Regulations;
- That the internationally recognised ‘Passivhaus Standard’ offers an alternative to the UK’s diminished energy efficiency ambitions for new-build housing;
- That the Passivhaus standard complies with UK Building Regulations and can deliver heating bills of less than £100/year for the average three bedroom terrace.

This Council agrees to specify Passivhaus Standards on all buildings on Council-owned land or as a condition of sale on any council land within 3 years.

Timescale:

- To produce exemplar projects in the first year and produce a feasibility study with the Passivhaus Trust;
- In the 2nd year move to a 20% commitment to provide Passivhaus developments;

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- Move to 100% commitment to Passivhaus Standards on all council land and a condition of land sold-on.”

Following a debate on the matter, the Motion was put to the vote and declared lost.

**41. JOINT MOTION SUBMITTED BY THE LIBERAL DEMOCRAT GROUP AND GREEN PARTY GROUP - CAMPAIGN FOR A PEOPLE'S VOTE**

It was moved and seconded that:

“Council notes that two years have passed since the European Union (EU) Referendum and little concrete progress has been made in negotiating the terms of the United Kingdom’s withdrawal from the EU.

Trafford Council:

- a) recognises the significant support it has received through EU funding over many years;
- b) recognises nearly six in every ten Trafford residents (58%) voted to remain in the EU;
- c) notes the stark warnings from companies such as Airbus, Vauxhall Motors, Jaguar Land Rover and BMW about the impact of Brexit on British manufacturing;
- d) recognises the mounting popular concern at the prospect of leaving the EU with either a bad deal or no deal at all;
- e) notes the reports from 1<sup>st</sup> August highlighting the serious concerns local authorities have over delivery of public services post-Brexit including potential civil unrest;
- f) notes the participation of over 100,000 people in the march for a People’s Vote in London on 23 June;
- g) understands that the EU Withdrawal Bill threatens the rights of citizens as well as environmental protections;
- h) shares the anxiety of EU citizens living in the Trafford who feel unwelcome in the place they have made home, and uncertain about their future.

Many councils have adopted a motion supporting the calls for a People’s Vote on the final Brexit Deal.

The People’s Vote campaign has worked hard to develop cross-party support at the highest level, with signatories including the following MPs:

- Justine Greening and Anna Soubry from the Conservatives
- Caroline Lucas from the Green Party
- Chuka Umunna, David Lammy, Stella Creasy and Ben Bradshaw from the Labour Party
- Plus Vince Cable and all Liberal Democrat MPs

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Many parts of Greater Manchester have already produced Brexit Impact studies, including:

- Oldham Council
- Manchester City Council
- The Local Enterprise Partnership Board of the Combined Authority

Accordingly, Trafford Council resolves to:

- 1) Conduct and publish without delay a Brexit Impact study for Trafford.
- 2) Support a People's Vote on the final Brexit deal with an option to remain in the EU.
- 3) Urge Trafford's MPs to join the campaign for a People's Vote in the interests of the residents and businesses in Trafford."

Following a debate on the matter, the Motion was put to the vote and declared carried.

RESOLVED: That Council notes that two years have passed since the European Union (EU) Referendum and little concrete progress has been made in negotiating the terms of the United Kingdom's withdrawal from the EU.

Trafford Council:

- a) recognises the significant support it has received through EU funding over many years;
- b) recognises nearly six in every ten Trafford residents (58%) voted to remain in the EU;
- c) notes the stark warnings from companies such as Airbus, Vauxhall Motors, Jaguar Land Rover and BMW about the impact of Brexit on British manufacturing;
- d) recognises the mounting popular concern at the prospect of leaving the EU with either a bad deal or no deal at all;
- e) notes the reports from 1<sup>st</sup> August highlighting the serious concerns local authorities have over delivery of public services post-Brexit including potential civil unrest;
- f) notes the participation of over 100,000 people in the march for a People's Vote in London on 23 June;
- g) understands that the EU Withdrawal Bill threatens the rights of citizens as well as environmental protections;
- h) shares the anxiety of EU citizens living in the Trafford who feel unwelcome in the place they have made home, and uncertain about their future.

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The People's Vote campaign has worked hard to develop cross-party support at the highest level, with signatories including the following MPs:



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- Justine Greening and Anna Soubry from the Conservatives
- Caroline Lucas from the Green Party
- Chuka Umunna, David Lammy, Stella Creasy and Ben Bradshaw from the Labour Party
- Plus Vince Cable and all Liberal Democrat MPs

Many parts of Greater Manchester have already produced Brexit Impact studies, including:

- Oldham Council
- Manchester City Council
- The Local Enterprise Partnership Board of the Combined Authority

Accordingly, Trafford Council resolves to:

- 1) Conduct and publish without delay a Brexit Impact study for Trafford.
- 2) Support a People's Vote on the final Brexit deal with an option to remain in the EU.
- 3) Urge Trafford's MPs to join the campaign for a People's Vote in the interests of the residents and businesses in Trafford.

**42. MOTION SUBMITTED BY THE CONSERVATIVE GROUP - ROYAL BANK OF SCOTLAND**

Without debate it was unanimously,

RESOLVED: That this Council notes with deep concern the recent announcement by the Royal Bank of Scotland (RBS) to close a further 54 branches across the country. The Council further notes that 3 of these closures are to be in Trafford - Partington, Altrincham and Urmston.

The Council believes that these proposed closures will massively inconvenience local residents and small businesses who continue to prefer to conduct their banking arrangements through a high street branch and rejects the increasing assumption that internet banking is the right choice for everyone. Experience shows that certain groups, including older people, will be especially inconvenienced by the proposed branch closures.

The Council condemns the proposal to close the RBS branch in Partington, which will mean the loss of the last remaining banking facility in this community, and also notes that NatWest branches in Stretford, Hale and Timperley have been closed in recent years.

The Council resolves to write to the Chief Executive of RBS to express its deep concern at these proposals and call for a pause to be placed on the proposals until such time that effective dialogue has been undertaken with the local authority on ensuring our communities continue to have access to the banking facilities that will help businesses and communities to thrive.

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**43. MOTION SUBMITTED BY THE CONSERVATIVE GROUP - BARTON  
RENEWABLE ENERGY PLANT**

(Note: Councillor Dillon declared a personal interest in the matter being a Member of the Breathe Clean Air Group and remained in the meeting.)

It was moved and seconded that:

“This Council welcomes recent reports that the sustained campaign against the construction of the Barton Renewal Energy Plant appears to be drawing to a favourable outcome after Peel Energy indicated construction will not be forthcoming.

In particular, Council would like to pay tribute to campaigners in the Davyhulme, Urmston and Flixton communities, alongside the well organised Breathe Clean Air Group whose efforts have been nothing short of outstanding.

Council notes the decision of the previous administration, with cross party support, to commit significant sums of taxpayers’ money to fight this biomass plant which demonstrates the materially positive impact decisions in this town hall hold for our communities.

The Council commits to continue to pursue a cleaner, greener environment for all of its communities.”

Following speeches in support, the Motion was agreed with the unanimous consent of the Council.

RESOLVED: That this Council welcomes recent reports that the sustained campaign against the construction of the Barton Renewal Energy Plant appears to be drawing to a favourable outcome after Peel Energy indicated construction will not be forthcoming.

In particular, Council would like to pay tribute to campaigners in the Davyhulme, Urmston and Flixton communities, alongside the well organised Breathe Clean Air Group whose efforts have been nothing short of outstanding.

Council notes the decision of the previous administration, with cross party support, to commit significant sums of taxpayers’ money to fight this biomass plant which demonstrates the materially positive impact decisions in this town hall hold for our communities.

The Council commits to continue to pursue a cleaner, greener environment for all of its communities.

The meeting commenced at 7.00 p.m. and finished at 9.27 p.m.

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 28 November 2018  
**Report for:** Approval  
**Report of:** Sara Saleh, Corporate Director of People

### Report Title

**Recruitment of Head of Paid Service/Chief Executive**

### Purpose of Report

This report seeks formal approval of the recommendation by the Appointments Committee to appoint Sara Todd as the permanent Chief Executive/Head of Paid Service, following the recruitment process undertaken during October/November 2018.

### Recommendations/decisions required

That Council approves the appointment of Sara Todd as Chief Executive and Head of Paid Service and agrees that a formal offer of appointment can be made.

Contact person for access to background papers and further information:

**Name:** Sara Saleh  
**Extension:** x 4007

|   |   |
|---|---|
| Relationship to Policy Framework/Corporate Priorities | This proposal aligns with the all of the council's Corporate Priorities   |
| Financial   | There are no additional costs associated with this exercise to replace the outgoing CEO.  |
| Legal Implications:                                   | The statutory provisions applicable to the appointment of local authority Chief Officers and the constitutional requirements for the recruitment process are as set out in the report. In addition the process will be fully compliant with employment legislation. |

|   |   |
|---|---|
| Equality/Diversity Implications                     | Equality Impact Assessments will be undertaken in line with the Equality Framework at the appropriate time.   |
| Sustainability Implications                         | None  |
| Staffing/E-Government/Asset Management Implications | As set out in the report  |
| Risk Management Implications                        | The main risks are those arising from the appointment process, such as potential delays or an appointment is not made. These risks will be assessed and managed throughout the process. |
| Health & Wellbeing Implications                     | None  |
| Health and Safety Implications                      | None  |

## 1.0 Executive Summary

1.1 Following the departure of the Chief Executive/Head of Paid Service, Theresa Grant on 30 June 2018, Council considered the recruitment to appoint her successor at the meeting of Council on 26 September 2018. At its meeting Council agreed to delegate all details of the recruitment and selection process, as required by Part 4 of the Council's Constitution, to an Appointments Committee. The Appointments Committee consisted of:

Cllr Andrew Western (Leader & Chair)  
Cllr Catherine Hynes (Deputy Leader)  
Cllr Sean Anstee  
Cllr Geraldine Coggins  
Cllr Ray Bowker

1.2 Gatenby Sanderson were engaged to undertake the recruitment campaign for the Chief Executive/Head of Paid Service position and to provide advice to the Appointments Committee on the longlisting and shortlisting process. They sourced the best candidates for the role through head hunting, advertising in the Municipal Journal, the development of a bespoke microsite and social media marketing.

1.3 A total of 11 applications were received for the position and on the 31 October 2018 the Appointments Committee agreed that 5 candidates should be longlisted and invited to attend a Technical Interview on the 5 November 2018 which formed the first stage of the recruitment and selection process.

1.4 The Technical Interviews were undertaken by Luke Judd (Gatenby) and Jim Taylor, Interim Chief Executive of Trafford Council and involved a one hour and 10 minute interview with each candidate focusing on career and

motivation, as well as more technical areas such as budgets, GM partnerships, political relationships, children's services and health and social care. The in-depth interviews were designed to provide the Appointments Committee with more information to consider as part of their deliberations.

- 1.5 The Appointments Committee received feedback from the technical assessment at a meeting on 7 November 2018 and agreed that 2 candidates be shortlisted to attend the Assessment Centre and a final interview conducted by the Appointments Committee.
- 1.6 The assessment centre took place on 15 and 16 November 2018. Day one involved a stakeholder Panel Interview which consisted of local community and business leaders, an interview with the council's Corporate Directors and a one to one meeting with the Leader and Deputy Leader. Following the interviews a round table discussion was held with candidates and a selection of staff from across the organisation nominated by Corporate Directors. This part of the process was not scored or assessed but provided an opportunity for staff to highlight some of the great work they do, and discuss some of the challenges they were facing. This culminated in the Appointments Committee conducting the final interviews on the 16 November 2018.

## **2.0 Recommendation**

- 2.1 On the basis of all evidence demonstrated over the two days the Appointments Committee are recommending that Sara Todd be appointed as Chief Executive/Head of Paid Service.
- 2.2 Sara is currently the deputy to the Chief Executive of Manchester City Council undertaking key duties as delegated both within the City and with partners at a sub-regional and national level. She supports the Chief Executive, Senior Management Team, the Leader and Executive Members to deliver their political priorities for the people and neighbourhoods of Manchester
- 2.3 Her current portfolio includes leadership of Neighbourhoods functions – Highways; Libraries, Galleries and Culture; Parks, Events & Leisure; Waste and Street Cleansing; Enforcement and Community Safety; business units such as Markets, School Catering, Fleet and Bereavement Services; Neighbourhood Teams – and of Policy Performance and Research functions – HROD; Communications; City Policy; Reform and Innovation; Research and Intelligence.
- 2.4 The Proper Officer has advised the Executive of the recommended candidate in line with the requirements in the Constitution and no objections to the appointment have been received.
- 2.5 Council are requested to approve this recommendation to appoint Sara Todd in order that a formal offer can be made to her.

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## TRAFFORD COUNCIL

**Report to:** Council.  
**Date:** 28 November 2018  
**Report for:** Decision  
**Report of:** Corporate Director for Governance & Community Strategy and Monitoring Officer

### Report Title

**Constitution Working Group – Proposed Changes to the Council’s Constitution**

### Summary

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018. The Group was established to review current practice in a number of areas and to make recommendations for changes and improvements, with the aim of improving openness, transparency and public engagement in a number of areas including

- Allowing public questions at the start of all Executive and Committee meetings.
- Reducing the threshold for petitions to be heard at full Council and to allow petitioners to address meetings of the Executive.
- Enabling smaller groups to submit motions for debate by reducing the number of signatories from three to two.
- Extending webcasting to Executive and Committee meetings.
- Publishing a public summary of decisions taken by the Executive.
- Adding a lay member to the Audit Committee to enhance public scrutiny of financial management and governance.
- Agreeing to changes to improve the scrutiny function.

This report sets out the Group’s proposed recommended changes to date.

The report was submitted to the Standards Committee and Scrutiny Committee prior to the Executive and Council for comments on the proposals in accordance with the Articles of the Council.

### Recommendation(s)

- 1) That Council agree the proposed changes as set out in the report.
- 2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

## **Implications**

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | The proposed changes are aimed at improving transparency and engagement with the Council's priorities.   |
| Financial Implications                                | There are no specific financial issues arising from this report, although there is some one-off expenditure arising from the proposals to webcast additional Council Committee meetings which will be met from the legal and democratic budget.              |
| Legal Implications                                    | The Council is required to review and update its constitution from time to time. This report reflects the review carried out by the Cross Party Constitution Working Group in consultation with the Corporate Director of Governance and Community Strategy. |
| Equality/Diversity Implications                       | None   |
| Sustainability Implications                           | None   |
| Staffing/E-Government/Asset Management Implications   | None   |
| Risk Management Implications                          | None   |
| Health and Safety Implications                        | None   |

### **Contact person for access to background papers and further information:**

Name: Peter Forrester  
Extension: 1815  
Name: Chris Gaffey  
Extension: 2019

### **Background Papers:**

Reports submitted to the Constitutional Working Group

#### **1.0 Background**

A cross-party Constitution Working Group, Chaired by the Executive Member for Constitutional Reform and Resident Engagement, was formed in June 2018 to review current practice in a number of areas, and to make recommendations for changes and improvements. The Group discussed a range of issues with the objective of improving openness, transparency and public engagement within the Council. Some of the proposed improvements require a change to the Council's Constitution.

The Working Group Membership consisted of the following Elected Members:

Councillors M. Freeman (Chair), D. Acton, Dr K. Barclay, R. Bowker, G. Coggins and M. Young.



Meetings were attended by the Council’s Monitoring Officer, the Head of Governance, and a representative from the Communities and Partnerships Team. Reports were produced for Members’ consideration on each area of review.

The Group met on two occasions and agreed the recommended changes, which are set out in sections 2.1 and 2.2 of the report. Further meetings of the Group will be scheduled to discuss the areas still under review, which are set out in section 2.3 of the report.

## 2.0 Summary of Proposed Changes

### 2.1 Changes which require an amendment to the Constitution

| <b>Questions and Public Scrutiny</b> |   |
|--------------------------------------|---|
| <b>Questions at meetings</b>         | <p>The Group agreed that provisions for taking questions from members of the public at the start of Council meetings, held in public, should be set out in the Constitution.</p> <p>The Leader or the Chair of the relevant body / Committee would have discretion about how these questions were managed at each meeting.</p> <p>However, the Standards and Scrutiny Committees felt that more guidance should be set out around the process for receiving questions to avoid potential problems. They suggested that the following be included</p> <ul style="list-style-type: none"> <li>• That it be clear that questions must relate to the agenda or be within the remit of the Executive or the Committee to which the questions are proposed to be addressed;</li> <li>• That questions must be submitted before the meeting so that officers can check that they are within the remit of the Executive or the Committee to which the questions are proposed to be addressed ; and</li> <li>• That the time allocated to public questions be limited.</li> </ul> <p><b><u>RECOMMENDATIONS</u></b></p> <ol style="list-style-type: none"> <li>1. That Part 1 of the Constitution be amended to refer to the rights of the public to ask questions at Executive and Committee meetings subject to the procedure rules set out in Part 4.</li> <li>2. That Article 3 in Part 2 be amended to reflect the rights of Members of the Public to ask questions subject to the procedure rules set out in Part 4.</li> <li>3. That the Access to Information procedure rules in Part 4 of the Constitution be amended to permit member of the public to ask questions at any meeting of a Council Committee subject to:             <ol style="list-style-type: none"> <li>a. The questions being within the remit of the Committee or that they relate to a matter under discussion at the meeting.</li> <li>b. The questions being submitted to the Council via email <a href="mailto:democratic.services@trafford.gov.uk">democratic.services@trafford.gov.uk</a> by 4pm</li> </ol> </li> </ol> |

|   |  |
|---|--|
|   | <p>on the day before the meeting.</p> <p>c. That the time to be allowed for all questions to be put and answered is limited to no more than 15 minutes at the start of the meeting.</p> <p>4. That the Executive procedure rules in Part 4 of the Constitution be amended to clarify the rules around questions at any meeting of the Executive are subject to the following:</p> <p>a. The questions being within the remit of the Executive or that they relate to a matter under discussion at the meeting.</p> <p>b. The questions being submitted to the Council via email <a href="mailto:democratic.services@trafford.gov.uk">democratic.services@trafford.gov.uk</a> by 4pm on the day before the meeting.</p> <p>c. That the time to be allowed for all questions to be put and answered is limited to 15 minutes at the start of the meeting.</p>  |
| <p>Petitions</p>  | <p>The Group felt that the current threshold of 3,000 signatures for a petition to be debated at full Council was too high and is a barrier to public engagement and representation. They also felt that a provision to allow petitioners to address the Executive should be included in the scheme as many decisions are those for the Executive to take.</p> <p>The Group agreed that a threshold of 300 signatures be set for a petition to be debated at a meeting of the Executive, and a threshold of 500 signatures be set for a petition to be debated at full Council.</p> <p>Other minor changes to the Council's Petition scheme were agreed, with the responsibility for finalising the Petition Scheme delegated to the Head of Governance.</p> <p><b><u>RECOMMENDATION</u></b></p> <p>That the petition procedure rules in Part 4 of the Constitution be amended to reduce the current threshold of 3,000 signatures for a petition to be debated at full Council to 500 and that a new right to allow a matter to be debated at the Executive be introduced subject to it having received at least 300 signatures and that it relates to Executive functions.</p> |
| <p><b>Substitute Members</b></p>                                |  |
| <p>Provision for Substitute Members at Employment Committee</p> | <p>The Working Group agreed that provisions to allow one substitute Member for each Group for the Employment Committee should be included in the Constitution.</p> <p>The Employment Committee is held during the day and therefore it may sometimes be difficult for Committee Members to attend. Therefore a provision for substitute Members should be made.</p>  |

|  |  |
|--|--|
|  | <p><b><u>RECOMMENDATION</u></b></p> <p>That Council allocate one substitute Member for each Group for the Employment Committee and this be set out in the Terms of Reference of the Committee in Part 3 of the Constitution.</p>   |
| <b>Motions</b>                         |  |
| Number of Members supporting a motion. | <p>The Working Group felt that the rules requiring written notice of every motion to be signed by at least 3 members, or with electronic consent of at least 3 members should be amended to reduce this to two Members. This would enable smaller parties to participate in the process.</p> <p><b><u>RECOMMENDATION</u></b></p> <p>That rule 11.1 of Council procedure rules in Part 4 of the Constitution be amended to state that motions must be signed by at least 2 members.</p> |

## 2.2 Changes which do not require an amendment to the Constitution

|  |   |
|--|---|
| <b>Openness of Council Meetings</b>    |   |
| Quarterly e-Bulletin                   | To improve openness and public engagement, the Group agreed that an e-Bulletin detailing the Executive and Council decisions should be published quarterly with effect from October 2018.   |
| Webcasting                             | <p>To improve openness and transparency, it was agreed that the Council should extend the webcasting facility to other Committee and Board meetings held in public.</p> <p>After considering a number of options, it was agreed that the Council would webcast these additional meetings via its YouTube channel using a standalone camera and microphone system in the Committee Rooms. This would be implemented on a 12 month trial basis, with the other options revisited after this period.</p> <p>Following the trial, if it was felt that the standalone camera option had not met the Council's objectives to an adequate standard, consideration should be given to installing a full webcasting system in Committee Rooms 2 &amp; 3.</p> <p>There is a small set up cost of approximately £1000 to purchase ICT and cameras for this option.</p> |
| <b>Questions by Members at Council</b> |   |
| Questions by Members at Council        | <p>Questions raised by Members at full Council meetings will now be published on the Council's website in advance of the meeting. This will allow Members of the public to see what issues are to be raised in the meeting.</p> <p>This was actioned for the September meeting of Council.</p>  |

| <b>Audit Committee</b>  |   |
|---|---|
| Appointment of Independent member of the Accounts and Audit Committee | <p>There are already provisions in place for the appointment of an Independent member of the Accounts &amp; Audit Committee, but this provision has not been utilised.</p> <p>The Group agreed the process for making this appointment, with the responsibility for finalising the process delegated to the Corporate Director, Governance &amp; Community Strategy and the Head of Governance.</p> <p>The Group stressed the importance of ensuring proper due diligence was performed before making the appointment.</p> <p>This role has been advertised.</p>  |
| <b>Scrutiny</b>   |   |
| Review of Scrutiny – Action Plan                                      | <p>Following the Scrutiny Committee’s Review of the Council’s Scrutiny Function earlier in the year, the Constitution Working Group considered the report’s recommendations and the Executive’s response. The Group agreed with the Executive response to the recommendations, but felt that recommendation 4 about the Chair of the Committee providing a written report should be more explicit in ensuring that a verbal update could be provided in conjunction with any written Scrutiny report presented to Council.</p> <p>It was agreed that the accepted recommendations should be implemented as soon as practically possible.</p> <p>The Executive response to the Scrutiny report is attached (Appendix 1).</p> |

### 2.3 Other areas still under consideration.

| <b>Area Governance</b> |  |
|------------------------|--|
| Area Governance        | <p>The Group held discussions relating to Area Governance and how the Council consults with residents.</p> <p>It was felt that the distinction would need to be made as to whether the Council were looking to adopt a formal consultation process or strategy, or whether a less formal approach should be taken in an attempt to improve engagement with residents.</p> <p>The Corporate Director for Governance and Community Strategy and the Head of Partnerships &amp; Communities, in consultation with the Executive Member for Constitutional Reform and Resident Engagement, will continue these discussions and submit proposals to the Executive on the most appropriate way to progress this.</p> |

| <b>Motions</b>           |  |
|--------------------------|--|
| Motions at full Council  | <p>Concerns have been raised on a number of occasions in the past about the number of motions being submitted to full Council meetings. On occasion, time constraints have led to motions not being adequately debated.</p> <p>The Group considered a report providing options for proposed changes to how motions are considered at full Council meetings.</p> <p>Members agreed that this item would be deferred to a future meeting of the Working Group to allow Members to discuss the proposals with their respective political groups. Members have been asked to send their comments to the Head of Governance, who would produce a report for consideration at a future meeting of the Working Group.</p> |
| <b>Electronic Agenda</b> |  |
| Electronic Agenda        | <p>The number of Members requesting paper copies of agenda is continuing to increase, resulting in additional print and staff time costs for the Council. The view of the Working Group is that enhanced ICT is needed to support Members who are keen to reduce the environmental impact of paper agenda.</p> <p>The Chief Digital Officer is exploring new ICT solutions and the intention is to move all meetings to being paperless once the ICT enhancements have been put in place.</p> <p>The Working Group will discuss progress against this area at a future meeting.</p>  |

### **3.0 Recommendations**

- 1) That Council agree the proposed changes as set out in the report.
- 2) That the Corporate Director for Governance and Community Strategy be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this meeting.

### **Other Options**

The Working Group considered a range of options around the constitution including research on other areas practices. The recommendations reflect the local circumstances and ambitions to open up decision making in the Council.

### **Consultation**

The proposals have been submitted to Standards and Scrutiny Committee as part of the consultation process.

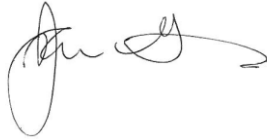
**Reasons for Recommendation**

The recommendations are part of a package of measures to enhance decision making and transparency in the Council.

**Key Decision** (as defined in the Constitution): No

**Finance Officer Clearance** NB

**Legal Officer Clearance** JL



**CORPORATE DIRECTOR'S SIGNATURE**

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

## **TRAFFORD COUNCIL**

**Report to: Constitution Working Group**  
**Date: 5 September 2018**  
**Report for: Discussion**  
**Report of: Head of Governance**

### **Report Title**

**Executive Response to the Scrutiny Committee's Task and Finish Group Review of the Council's Scrutiny Function**

### **Summary**

Following the publication of the Communities and Local Government Committee's First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees, Trafford's Scrutiny Committee committed to conducting a local review of the Authority's Scrutiny arrangements. A Task and Finish group was formed to review the published report and its recommendations, with a view to applying this to improve Scrutiny within the Council.

This report sets out the recommendations made by the Task and Finish Group and the Executive's response to these recommendations.

### **Recommendation(s)**

- 1) That the Group discuss the recommendations and the response provided by the Executive.

### **Contact person for access to background papers and further information:**

Name: Peter Forrester  
Extension: 1815  
Name: Chris Gaffey  
Extension: 2019

## Executive Response to the Scrutiny Committee's Task and Finish Group Review of the Council's Scrutiny Function

| Scrutiny Recommendation   | Executive Response  |
|---|---|
| <p>Recommendation 1 – That the Member Development Steering Group create a Scrutiny Member Induction, Training and Engagement Programme, and that Scrutiny Members are encouraged to take advantage of this.</p>   | <p>Accept the recommendation.</p>   |
| <p>Recommendation 2 – That the role of Statutory Scrutiny Officer be highlighted in the Council's Constitution along with the other main designated Council Officers (the Head of Paid Service, Monitoring Officer and the Statutory Chief Finance Officer).</p>  | <p>Do not accept the recommendation. The role is included in the Constitution and it is clear who the Statutory Scrutiny Officer is. There are other statutory roles set out in the Constitution including the Director of Adults, Director of Children's and Director of Public Health. The three roles set out are the ones with statutory protections and it is not appropriate to include this role in this</p> |
| <p>Recommendation 3 – That the annual Scrutiny report includes a review of the Council's Scrutiny process, assessing how it has performed over the year and identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.</p>                      | <p>Accept the recommendation. The Scrutiny Committees will be asked to consider this and this will be included in the Annual Scrutiny report.</p>   |
| <p>Recommendation 4 – That a regular Scrutiny report replaces the verbal update on the full Council agenda, confirming the work of Scrutiny over the period, including any formal recommendations made by Scrutiny to the Executive (where applicable) and the Executive's formal response(s) to these recommendations.</p> | <p>Accept the recommendation</p>  |



|  |  |
|--|--|
| <p>Recommendation 5 – That the Scrutiny Chairs and Vice Chairs work with Democratic Services to create a more clearly defined programme for Scrutiny’s expected activities over a municipal year.</p>  | <p>Accept the recommendation.</p>  |
| <p>Recommendation 6 – That the Executive acknowledges that Scrutiny has an automatic ‘need to know’ status, and supports its request that it be provided with the appropriate information in a timely fashion when this is requested.</p>  | <p>Accept the recommendation</p>   |
| <p>Recommendation 7 – That the Council support Scrutiny’s request that all items considered at Scrutiny Committee meetings be presented in the form of a written report and that the report contains performance data to show current performance and trends, unless stated otherwise.</p> | <p>Accept the recommendation. This will require a change in approach in some cases as presentations are used. Performance information will also need to be provided which is a significant change for some Officers.</p> |
| <p>Recommendation 8 – That Trafford’s representatives on the GMCA Scrutiny Committees provide periodic updates to Trafford’s Scrutiny Committee on any relevant information.</p>   | <p>Accept the recommendation</p>   |
| <p>Recommendation 9 – That the Scrutiny Chairs meet with the Leader at the beginning of the municipal year to discuss any emerging issues / topics that the Committees may want to consider.</p>   | <p>Accept the recommendation</p>   |

|   |  |
|---|--|
| Recommendation 10 – That an annual review of the resources required to support Scrutiny be conducted by the Statutory Scrutiny Officer, and included as part of the annual report to Council.     | Accept the recommendation  |
| Recommendation 11 – That a budget be made available to Scrutiny for the hiring of external experts when necessary.  | This will need to be considered as part of the annual budget making process. |
| Recommendation 12 – That Trafford commits to webcasting its Scrutiny meetings to increase Scrutiny’s visibility to Trafford residents and boost public engagement.                                | Accept the recommendation  |
| Recommendation 13 – That Trafford’s dedicated Scrutiny Twitter profile be better utilised, providing followers of the account with information regarding Scrutiny Committee meetings and reviews. | Accept the recommendation  |

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 28 November 2018  
**Report for:** Decision  
**Report of:** Corporate Director of Place

### Investment Management Board Terms of Reference

#### Summary

This report sets out proposals for changes to the Terms of Reference for the Investment Management Board.

#### Recommendations

That the Council:

1. Approves the revised Terms of Reference for the Investment Management Board.

#### Contact person for access to background papers and further information:

Name: Richard Roe  
 Telephone No: x4265  
 Background Papers: None

#### *Implications:*

|   |   |
|---|---|
| Relationship to Policy Framework/Corporate Priorities | Relates to the corporate priority for economic growth   |
| Financial   | No direct implications  |
| Legal Implications                                    | The IMB will need to ensure that in exercising its investment and borrowing functions that any actions are reasonable and proportionate and for proper purposes consistent with the Council's prudential regime and its Investment Strategy. The Board will also need to be mindful at all times of the council's fiduciary duties to ensure the sound management of the public finances. |
| Equality/Diversity Implications                       | No direct implications  |
| Resource Implications e.g. Staffing / ICT / Assets    | No direct implications  |
| Risk Management Implications                          | No direct implications  |
| Health & Wellbeing Implications                       | No direct implications  |
| Health and Safety Implications                        | No direct implications  |

## 1.0 BACKGROUND

- 1.1 Following a report to Council in July 2017 the Investment Management Board (IMB) was established as a cross-party body responsible for overseeing the Council's investment activity and implementing the adopted investment strategy.
- 1.2 A review of the current terms of reference has been undertaken, alongside the revised Investment Strategy, and following the changed political make-up of the authority in May's elections. In summary, the main changes are:
- To add the Leader of the Green Party to the IMB
  - To add the Executive Member for Finance to the IMB
  - To remove the Corporate Director for Place as a voting member of the IMB (I will attend in an advisory capacity).
  - To add the Shadow Executive Member for Investment, Regeneration and Strategic Planning as being invited to attend in a non-voting capacity
  - To add to the responsibilities approval for the acquisition of land with development potential, and recommending for approval direct development on Council owned land.
- 1.3 The Investment Management Board's role is one of strategic direction and oversight of the Investment Strategy, including the approval of investment opportunities. It sets out the policies for the management of its investments ensuring priority is given firstly to the security of investments, followed by liquidity and then yield and should identify the procedures for monitoring, assessing and mitigating risk of loss of the invested sums. The Investment Management Board is responsible for ensuring the strategy is approved by full Council.
- 1.4 The Board will comprise of the following:
- The Leader of the Council (Chair)
  - The Leader of Conservative Party
  - The Leader of the Liberal Democrats Party
  - The Leader of the Green Party
  - The Executive Member for Investment, Regeneration and Strategic Planning
  - The Executive Member for Finance
  - The Chief Executive
- In addition, the Shadow Executive Member for Investment, Regeneration and Strategic Planning will be invited to attend meetings of the IMB as a non-voting member.
- The IMB will act under advisement from the Corporate Director for Place, Council's Monitoring Officer, the Corporate Director of Finance and Systems, and CBRE. Other officers and advisors will attend the IMB as appropriate.
- 1.5 The revised terms of reference are attached as Appendix A. It is proposed that these will be incorporated in Part 3 of the Constitution which sets out responsibilities for Council functions.

## **Investment Management Board - Terms of Reference**

### **Overview**

Trafford Council has proposed an approach to securing and developing investment opportunities which will deliver significant economic development and regeneration benefits for the area and/or generate sustainable income streams to support the Council's revenue budget in order to support and maintain the provision of services in future years.

Three reports have been presented to Executive in December 2016, February 2017 and July 2017. The latter report included a proposal to establish an Investment Management Board to oversee investment activity, alongside adjustments to Prudential Indicators and the Treasury Management Strategy to enable investment activity to be accelerated. An Investment Strategy was approved by the Council in February 2018, and an updated strategy agreed in October 2018.

CBRE have been appointed as the Council's investment advisors. They will assist the Council in reviewing and updating the Investment Strategy and will also identify investment opportunities aligned with the objectives and strategy, make recommendations for investments and undertake due diligence on any purchases.

The Investment Management Board will be responsible for approving new acquisitions and for overseeing the management of those acquisitions in future as part of managing the investment portfolio. The Terms of Reference are outlined below.

### **Purpose**

The Investment Management Board's role is one of strategic direction and oversight of the Investment Strategy, including the approval of investment opportunities. It sets out the policies for the management of its investments ensuring priority is given firstly to the security of investments, followed by liquidity and then yield and should identify the procedures for monitoring, assessing and mitigating risk of loss of the invested sums. The Investment Management Board is responsible for ensuring the strategy is approved by full Council.

Officers are responsible for the operational implementation and execution of the Investment Strategy, which is approved annually by the Council, and updated more regularly if required to meet statutory or regulatory guidance.

### **Governance/Membership**

The Board will comprise of the following:

- The Leader of the Council (Chair)
- The Leader of Conservative Party
- The Leader of the Liberal Democrats Party
- The Leader of the Green Party
- The Executive Member for Investment, Regeneration and Strategic Planning
- The Executive Member for Finance
- The Chief Executive

In addition, the Shadow Executive Member for Investment, Regeneration and Strategic Planning will be invited to attend meetings of the IMB as a non-voting member.

The IMB will act under advisement from the Corporate Director for Place, Council's Monitoring Officer, the Corporate Director of Finance and Systems, and CBRE. Other officers and advisors will attend the IMB as appropriate.

## **Attendance**

The Investment Management Board shall meet every quarter. Additional meetings can be called at the discretion of the Chair. Notice of meetings shall be given to all Board Members and to the Officers and external advisers forming the advisory panel will be invited to all meetings as appropriate. Attendance at meetings will usually be in person, although where this is not possible, attendance at meetings will be permitted where members or advisers 'attend' remotely by conference telephone or other virtual means.

The quorum for the IMB shall be three board members. All decisions shall be made on the basis of a simple majority of those in attendance whether in person or remotely.

Where a decision is required on whether to proceed with an investment, in advance of the next scheduled Board meeting, the investment proposals will be shared outside of the meeting and will be formally signed off at the next Board meeting. In particular, decisions as to whether to submit non-binding bids for acquisitions are often made at short notice and will require prompt decisions. In such cases the CBRE recommendation in a standard format will be circulated to the IMB by email for approval. Should a non-binding bid be successful, a further report will be presented to IMB for approval to finalise and complete the investment.

Actions and decisions from the meeting will be circulated and reviewed at the following meeting.

## **Responsibilities**

The Investment Management Board will be expected to undertake the following tasks:

- Oversee implementation and ongoing operational execution of the Investment Strategy
- Assess, evaluate and approve (or reject) the investments presented (expected return, volatility, risk factor analysis, etc) to determine if the Council should proceed on each individual proposal
- Approval of the strategic acquisition of land with development potential in line with the investment strategy
- Recommend approval of the investment in direct development opportunities on Council owned land, either independently, or through a joint venture or other partnership structure
- Monitor and evaluate overall investment performance, investment service providers, and costs regularly and at least on an annual basis
- Review overall portfolio opportunities, projections and risks at least on an annual basis
- Monitor, evaluate and assess whether fees incurred by investment service providers are appropriate and reasonable on an annual basis
- Approve the selection of any Investment Advisors
- Ensure performance measurement is based on external evaluations and net yield generated and reporting is undertaken with a view to making recommendations concerning sales or purchases and any amendments to the adopted strategy
- Acknowledge that there may be tax and VAT implications associated with investment activity
- Maintain a record of the meetings that take place
- To review and update the terms of reference on an annual basis, except the membership of the IMB which requires the approval of the Council.

## **Confidentiality**

Strict confidentiality at all stages of the investment process is crucial, as any breach/ media attention may jeopardise the investment. In most cases investments will be subject to a standard confidentiality agreement. Members of the IMB will be expected to sign a confidentiality agreement in relation to the discussions and decision of the IMB.

## **Reporting**

The IMB will report to Council, as part of the budget process, the investment income that will support the Council, on at least an annual basis, or otherwise as appropriate in line with budget monitoring reports. The IMB will also report to the council Scrutiny Committee, as invited by the Chair.

Terms of reference reviewed by: Richard Roe

Date of review: October 2018

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## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 28 November 2018  
**Report for:** Decision  
**Report of:** Executive Member for Finance

### Report Title

**Council Tax Support (CTS) Scheme for 2019/20 – Proposed Changes to the CTS scheme for those for who qualify for an amount below the present £5 per week threshold, for those with a non-dependant on benefits under 25 and for those in receipt of Universal Credit (UC).**

### Summary

This report summarises the current CTS Scheme and the proposed changes which have been the subject of a public consultation exercise.

The current scheme has a number of elements that can lead to relatively small debts being accrued by those with a limited ability to pay. The collection of these debts often leads to further recovery action and costs as well as disproportionate resource costs to recover the debt.

The proposed changes seek to remove these elements to ensure that the CTS scheme remains fit for purpose and adapts to the impact of UC.

This report also summarises the feedback from the consultation which has been undertaken on these changes.

### Recommendation(s)

That Council approve the Executive's recommended proposed changes to the Council Tax Support scheme for 19/20.

### Contact person for access to background papers and further information:

Name: Louise Shaw  
Extension: 3120

Background Papers: None

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | Low Council Tax, Value for Money and services focused on the most vulnerable people  |
| Financial   | The existing Council Tax Support scheme is already funded by the Council and the changes proposed will not increase the funding required.  |
| Legal Implications:                                   | The Council has to formally set its local CTS scheme before 31 March 2019, in order for the scheme to be formally adopted for 2019/20. This is in accordance with the Local Government Act 2012.   |
| Equality/Diversity Implications                       | An equalities impact assessment has been completed and there are no groups negatively impacted from the changes.   |
| Sustainability Implications                           | None   |
| Resource Implications e.g. Staffing / ICT / Assets    | Resources required to implement the proposed changes to the scheme can be absorbed within current staffing levels.   |
| Risk Management Implications                          | None   |
| Health & Wellbeing Implications                       | A public consultation has taken place to gather the views of individuals and organisations that support vulnerable groups. Protected groups remain within the scheme as does the maximum award of 100% (subject to a band D charge and non-dependant deductions) |
| Health and Safety Implications                        | None   |

## 1.0 Background

- 1.1 In April 2013, following the abolition of Council Tax Benefit (CTB) which was a national scheme funded by a central government grant, the Council implemented its local Council Tax Support (CTS) Scheme for working age claimants. This scheme has been updated annually since this date as required by the legislation.
- 1.2 There are 12.6k Trafford residents in receipt of CTS and spend is £10.7m per annum. 46% of CTS claimants are pensioners and therefore receive full Council Tax Support under legislation and are not affected by the local scheme.
- 1.3 Each year, the Council has to formally approve its CTS scheme for the following financial year before the 31 March. Any changes to the CTS scheme require public consultation.
- 1.4 In August 2018, the Executive agreed to the Council consulting on minor changes to the existing scheme. The consultation took place between 10 August and 5 October 2018.

## 2.0 Trafford's CTS Scheme

Trafford's current working age CTS scheme has the following main attributes:

- The maximum award payable is 100% of the charge up to a band D property, subject to any non-dependent deductions.
- The rate at which benefit is withdrawn (known as the income taper) is 30%.
- Deductions relating to adults in the property (non-dependents) are 20% higher than the national rates.
- Child care disregard costs are higher than the national rates, meaning we allow more
- The minimum level of award is set at £5 per week.
- In line with Universal Credit a minimum income is assumed for those self-employed and Company Directors who have been trading for more than 12 months
- Claimants and/or their partners who receive the middle or high rate of Disability Living Allowance for Care or Mobility are protected
- Households who have a dependent child under 5 years old do not have their Child Benefit income taken in to account.
- War Pensions and War Widows Pensions is disregarded as income.
- Eight week 'run on' of previous entitlement for the long term unemployed starting work

2.2 A discretionary fund is in place to help residents on a case by case basis. This supports and aligns to the discretionary fund in place for help towards housing costs.

## 3.0 Drivers for change

3.1 When the Council designed its scheme from April 2013 the key aims were that those least able to pay would receive full CTS support and that those unable to work due to disability would be protected from any reduction under the new scheme. The Council's scheme is now the only scheme in Greater Manchester where those least able to pay receive full CTS with no Council Tax to pay. The Council remains committed to a scheme that is adaptable and can adjust to wider welfare reform impacts.

3.2 As part of this on-going commitment, the Council have carried out analysis of the impacts of Welfare Reform changes as well as review Council Tax recovery for low income households and has identified that minimal changes to the scheme at low cost will continue the Council's original intention. Those changes are:

- **To remove the a minimum award of £5 per week** – as UC numbers have increased in Trafford since the roll-out to Live service in July 2017, cases have been identified whereby the combination of UC income and earned income is resulting in the calculation of CTS assistance being under the £5 minimum for more low paid families resulting in no award under the current system. Whilst the amount is low,

even these small reductions make a difference in terms of the disposable income available in the household and it is therefore the Council's intention to remove this. The cost to the Council is estimated at £60k annually but this could rise as more claimants move on to UC, however it is anticipated that the overall caseload of recovery of debts will simultaneously reduce which may enable a saving on costs associated with recovering small debts.

- **To removing the non-dependant deduction for young adults (18-24) in receipt of benefits/out of work/on apprenticeships** – through staff, customer and stakeholder feedback it has been recognised that this change is impacting on families as often out of work residents are having to attempt to collect a contribution to the Council Tax from an unemployed or low earner in the household which, if remains unpaid often results in recovery from the resident through a deduction of their benefit or earnings. The non-dependant deduction at aged 25 and above will remain in place as this aligns the scheme to national benefits. This change is estimated to cost the Council £80k annually.
- **Amend the wording in the scheme to make clear that a UC notification can be treated as a start date for UC and if out of work, maximum CTS shall be awarded** – since the introduction of UC the Council have worked hard to try and ensure that it applies its scheme fairly and as intended, but as this is a new combined benefit received by residents both in and out of work, it has been an impossible task to predict the implications in every case when the roll-out programme and levels of UC have been unknown (it is a DWP administered benefit), but we have adapted the scheme where unintended consequences have been identified. Following feedback from staff, customers, partners and stakeholders, it has been identified that there are gaps in CTS start dates for UC customers as they do not always realise that they need to make a separate CTS claim and income previously disregarded for out of work claimants is no longer. The Council intends to amend the wording of the scheme accordingly. There is no cost to this change as this is CTS that has been budgeted for out of work claimants. Discretionary CTS payments are currently being made in identified cases.

3.3 A copy of the wording of the intended changes is attached as Appendix B. A copy of the current scheme can be accessed from the council's website at <http://www.trafford.gov.uk/residents/benefits-and-council-tax/docs/Council-Tax-Support-Reduction-Scheme-18-19.pdf>

#### **4.0 Public Consultation**

4.1 The proposed changes will increase CTS entitlement.

4.2 The consultation lasted for 8 weeks between 10 August and 5 October 2018. An online survey was created which enabled all information and views to be collated. A press release was issued advising the public of the proposed changes and how they could respond.

- 4.3 In addition, external partners were sent direct emails inviting them to respond. Partners included Citizens Advice Trafford, Age UK Trafford, Housing Associations, Trafford Centre for Independent Living and others.
- 4.4 The response to the survey was very low, with only 72 people completing it. 79% completed it on their own behalf with the remaining 21% completing it on behalf of an organisation or group. When asked about the proposed changes, the majority answered in favour of each of the changes proposed. More than 75% agreed with proposed changes regarding the £5 pw threshold, more than 75% agreed with proposed changes regarding the non-dependent deduction for those on benefits aged under 25 and more than 90% agreed with the change regarding treating a UC notification as a claim for CTS. A summary of the responses can be found in Appendix A.

### **Other Options**

The Council could decide not to change the scheme for 19/20. However, this would mean the continuation of elements within the local scheme that are no longer fit for purpose in relation to those affected by the £5 threshold, those with a non-dependent under 25 on benefits and those in receipt of UC.

### **Reasons for Recommendation**

The Council must adopt a local CTS scheme no later than 31 March before the start of the financial year to which the scheme applies in accordance with the Local Government Finance Act 2012. The proposed changes are to modify the existing scheme by adopting the minor changes described in this report that ensure the local scheme is fair and protects the most vulnerable.

## **Appendix A – Public Consultation Survey Results**

Q1 Are you responding on your own behalf or on behalf of an organisation or group?

| ANSWER CHOICES                | RESPONSES |    |
|-------------------------------|-----------|----|
| Own behalf (go to question 3) | 79.17%    | 57 |
| Organisation or Group         | 20.83%    | 15 |
| TOTAL                         |           | 72 |

Q2 What is your name, your position in the organisation/group, and the name and address of the organisation/group on whose behalf you are submitting this response? The name and details of your organisation or group may appear in the final report.

Answered: 6 Skipped: 66

Q3 Removal of the minimum award of £5.00 per week. At present you only receive CTS if it is above £5 per week. If your CTS is assessed as being below that figure then you will not be paid. We are proposing abolishing this and paying CTS regardless of the value. Do you agree with this proposed change to the scheme?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 76.39%    | 55 |
| No             | 16.67%    | 12 |
| Unsure         | 6.94%     | 5  |
| TOTAL          |           | 72 |

Q4 Removal of the non-dependent deduction for young adults (18-24) in receipt of benefits/out of work/on apprenticeships. Through staff, customer and stakeholder feedback it has been recognised that this change is having an impact on poorer households where a contribution cannot be taken from the young person, who is often in low paid work or unemployed. When this happens, and the payment is unpaid, the deduction is taken directly from the homeowner's benefits or earnings which can cause them hardship. We are proposing to abolish this deduction. Do you agree with this proposed change to the scheme?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 76.39%    | 55 |
| No             | 15.28%    | 11 |
| Unsure         | 8.33%     | 6  |
| TOTAL          |           | 72 |

Q5 To treat Universal Credit (UC) notification letter as a claim for CTS. Following feedback from staff, customers, partners and stakeholders, we have discovered there are delays in CTS being paid to people receiving UC. UC customers do not always realise they need to make a separate claim for Council Tax Support. The Council wishes to treat a notification letter, from the Department of Work and Pensions, as a claim for CTS. This should help anyone who is moving to Universal Credit from getting in to debt or suffering further hardship. Do you agree with this proposed change to the scheme?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 91.67%    | 66 |
| No             | 6.94%     | 5  |
| Unsure         | 1.39%     | 1  |
| TOTAL          |           | 72 |

Q6 Do you understand how the proposed changes may affect how CTS is calculated?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 75.00%    | 54 |
| No             | 11.11%    | 8  |
| Unsure         | 13.89%    | 10 |
| TOTAL          |           | 72 |

Q7 Do you believe the proposed changes would simplify the application process when applying for support and understanding your entitlement?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 79.17%    | 57 |
| No             | 8.33%     | 6  |
| Unsure         | 12.50%    | 9  |
| TOTAL          |           | 72 |

Q8 Do you agree with all the proposed changes to the scheme?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 68.06%    | 49 |
| No             | 19.44%    | 14 |
| Unsure         | 12.50%    | 9  |
| TOTAL          |           | 72 |

Q9 Please use this space to make any other comments on the scheme.

| Responses  |
|--|
| Those who are not in work and have payment of UC are by definition the poorest people of all. Not to disregard Child Benefit to all families in [receipt] of UC fails the objective of assisting the poorest residents. [In] effect the children in these families are subsidising the Council Tax System. [Consideration] of the actual amounts paid to these families and the continuation of austerity as a government policy means these people are getting poorer and poorer and Trafford are determined to continue to punish them |
| The changes around Universal Credit claims is most welcome. This will remove confusion and hopefully prevent residents getting into avoidable debt   |
| N/A  |
| I cannot really understand the full consultation as it's too in depth. Why are you not doing an easy read version as this survey is not accessible?  |

My partner is only earning minimum wage and I am not working as I look after my 3year old. We live in a private rented house and do get a little help with rent but no council tax support. We are in band b council tax so it's over £1,100 a year. We have to pay over 12 months as we can't afford to pay over 10 months and we still have to pay £99.00 per month. Some help for us would be appreciated.

Prefer it to stay as it is.

I don't know how these changes will impact me as a lone parent working full time. Is there a certain quota after which these changes will impact me.

The proposed changes look fine. This survey isn't great though. Question 1 doesn't make sense and there's no "this doesn't affect me directly" or similar answer for those of us not currently claiming benefits or who won't be affected by the changes. If non-claimants' opinions are not relevant that should have been clear from the outset. If they are relevant then there should be answer options to reflect non-claimants.

The continuation of austerity cuts since 2007 only impacts on the most vulnerable in society, the very people that the welfare system was set up to protect in 1945. The impact of this only leads to increased homelessness and mental health issues of which we have seen an explosion. Continued cuts on support mechanisms for those in need of help simply increases the burden on other services, increasing the cost to the Trafford 'pound'. I welcome any increased support to those who need it most.

Q10 Please use the space below if you would like the Council to consider any other options (please state)

### Responses

Disregard Child Benefit for all families not in work and receiving Universal Credit as this is the main way to prevent an increase in child poverty

I would suggest that it would speed up and simplify the claiming process further if we followed the UC assessment/award on the CTS scheme so further information was not required from customers. I would suggest child benefit was ignored as income on all CTS claims, as I feel the current policy does not offer the work incentive that the council intended with their original policy.

N/A

It is fair as it is now.

Very unhappy about the garden waste cost and think it should be overturned

I think it should be made clear how this will impact people who pay full council tax

People who are a couple and 1 works 24hrs and other person doesn't work and there on a low income

Q11 If you have any further comments or questions to make regarding the Council Tax Support scheme that you haven't had the opportunity to raise elsewhere please use the space below.

### Responses

Disregarding the not in work families will simplify Trafford work load

N/A

Very unhappy about the garden waste cost and think it should be overturned



Do customers still get the higher disregards for child care costs, helping working families with children, when they are in receipt of Universal Credit?

Q12 Are you or someone in your household, getting Council Tax Support at this time?

| ANSWER CHOICES | RESPONSES |    |
|----------------|-----------|----|
| Yes            | 16.67%    | 12 |
| No             | 83.33%    | 60 |
| Unsure         | 0.00%     | 0  |
| TOTAL          |           | 72 |

Q13 What is your sex?

| ANSWER CHOICES    | RESPONSES |    |
|-------------------|-----------|----|
| Male              | 31.94%    | 23 |
| Female            | 61.11%    | 44 |
| Prefer not to say | 6.94%     | 5  |
| TOTAL             |           | 72 |

Q14 What is your age?

| ANSWER CHOICES    | RESPONSES |    |
|-------------------|-----------|----|
| 16-18             | 0.00%     | 0  |
| 19-24             | 1.39%     | 1  |
| 25-39             | 19.44%    | 14 |
| 40-60             | 56.94%    | 41 |
| Over 60           | 13.89%    | 10 |
| Prefer not to say | 8.33%     | 6  |
| TOTAL             |           | 72 |

Q15 Disability: Do you consider yourself to be disabled?

| ANSWER CHOICES    | RESPONSES |    |
|-------------------|-----------|----|
| Yes               | 11.11%    | 8  |
| No                | 77.78%    | 56 |
| Prefer not to say | 11.11%    | 8  |
| TOTAL             |           | 72 |

Q16 What is your ethnic group?

|  |        |           |
|--|--------|-----------|
| White British                                      | 86.36% | 57        |
| White European (please specify below)              | 0.00%  | 0         |
| White Non-European (please specify below)          | 0.00%  | 0         |
| White European                                     | 1.52%  | 1         |
| Gypsy/Traveller                                    | 0.00%  | 0         |
| Mixed Dual White and Black African                 | 0.00%  | 0         |
| Mixed Dual White and Black Caribbean               | 1.52%  | 1         |
| Mixed Dual White and Asian                         | 0.00%  | 0         |
| Other Mixed Dual background (please specify below) | 0.00%  | 0         |
| Black or Black British African                     | 1.52%  | 1         |
| Black or Black British Caribbean                   | 1.52%  | 1         |
| Other Black background (please specify below)      | 0.00%  | 0         |
| Asian or Asian British Indian                      | 0.00%  | 0         |
| Asian or Asian British Pakistani                   | 0.00%  | 0         |
| Asian or Asian British Bangladeshi                 | 0.00%  | 0         |
| Asian or Asian British Chinese                     | 0.00%  | 0         |
| Asian or Asian British Vietnamese                  | 0.00%  | 0         |
| Other Asian background (please specify below)      | 0.00%  | 0         |
| Prefer not to say                                  | 7.58%  | 5         |
| <b>TOTAL</b>                                       |        | <b>66</b> |

## **Appendix B – Proposed CTS Wording Changes**

The paragraphs proposed for change are listed below; The proposed wording changes are highlighted in yellow and underlined, the deletion is highlighted in blue:

### **PART 6**

#### **Applicable amounts for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction**

##### **DELETE:**

(8) ~~If an applicant who is a person who is not a pensioner qualifies for less than £5.00 per week in Council Tax Support, then this amount will not be awarded. However, if an applicant who is a person who is not a pensioner falls into or has a partner who falls into a protected category, this lower limit will not apply.~~

##### **Non-dependant deductions: pensioners and persons who are not pensioners**

**29.**—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 28 shall be 20% higher than those in the Government’s default Council Tax Reduction Scheme applicable at the time the deduction is calculated and are—

(c) in respect of a non-dependant **aged 25** or over to whom sub-paragraph (a) does not apply, and who is on universal credit, income support, an income based jobseeker’s allowance, or an income related employment and support allowance, £4.68 x 1/7.

### **PART 14**

#### **Applications (including duties to notify authority of change of circumstances)**

##### **Making an application**

##### **ADD**

**(9) The Local Authority shall be able to treat any official notification regarding Universal Credit as a claim for a reduction under this scheme.**

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## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 28<sup>th</sup> November 2018  
**Report for:** Decision  
**Report of:** Corporate Director, Place

### Report Title

**Gambling Act 2005 – Statement of Gambling Policy Statement 2019-2022**

### Summary

**The Council is required to prepare, consult on and publish a Statement of Gambling Policy in accordance with the Gambling Act 2005.**

**The Council is invited to consider the summary of responses received following the statutory consultation.**

### Recommendation(s)

**That the Council adopt the Statement of Gambling Policy as attached at Appendix 2.**

### Contact person for access to background papers and further information:

**Name:** Joanne Boyle – Licensing Team Leader  
**Extension:** 4129

Background Papers: None

|   |  |
|---|--|
| Relationship to Policy Framework/Corporate Priorities | <i>Having a Policy on how the Council will administer its functions under the Gambling Act 2005 makes the processing of applications more efficient by giving residents, applicants and decision makers clear guidance on what factors will be taken into consideration when making decisions.</i> |
| Financial   | <i>There will be no net additional cost to the Council</i>   |
| Legal Implications:                                   | <i>Section 349 of the Gambling Act requires the Council to publish a Statement of Gambling Policy every three years.</i>   |
| Equality/Diversity Implications                       | <i>None</i>  |
| Sustainability Implications                           | <i>None</i>  |
| Staffing/E-Government/Asset Management Implications   | <i>None</i>  |
| Risk Management Implications                          | <i>None</i>  |
| Health and Safety Implications                        | <i>None</i>  |

## **1.0 Background**

- 1.1 Under the terms of the Gambling Act 2005 the Council is required to prepare, consult on and publish a statement of principles that it proposes to apply in exercising its functions under the Act, applicable to a three year period. The Council published its last Gambling Policy on the 31<sup>st</sup> January 2016 and must now review and publish any revisions to its Policy by 31<sup>st</sup> January 2019.
- 1.2 The Council's Gambling Policy was reviewed to ascertain if it was necessary to update the policy to incorporate either any new guidance from the Gambling Commission; or any significant changes in the local area.

## **2.0 Revisions**

| Paragraph | Revision | Reason  |
|-----------|----------|---|
| 7.8-7.11  | Addition | To update the Council's enforcement principles  |
| 9.4       | Addition | To include reference to the Gambling Commissions Licence Conditions & Code of Practice (LCCP) that came into force on the 6 <sup>th</sup> April 2016. |
| 9.7       | Addition | Advice to operators that they must consider how premises will be configured to protect children from being harmed by gambling.                        |
| 9.17-9.19 | Addition | Reference to the Gambling Commissions (LCCP) in particular staff training and self-exclusion records  |
| 13.2      | Addition | To clarify the Council's position on the splitting of pre-existing licensed premises into adjacent premises and how that will                         |

|      |          |  |
|------|----------|--|
|      |          | effect the number of gaming machines permitted.  |
| 14.1 | Addition | To clarify the Council's position on the use of door supervisors at betting offices.       |
| 20.4 | Addition | To clarify the Council's approach to the granting of gaming machines in licensed premises. |
| 21.2 | Addition |  |
| 26.0 | Addition | Part D outlines the Council's approach to local area risk assessments and the LCCP         |

### **3.0 Other Options**

3.1 The only alternative option is for the Council not to approve and publish a Statement of Gambling Policy. The consequences of this course of action would be that the Council would not be complying with the requirement of the Gambling Act 2005, and the Council would not be able to effectively carry out any function in respect of applications made under the Act.

### **4.0 Consultation**

4.1 The Act requires the licensing authority to consult on its Policy with the police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected. The Policy was consulted on between the 2<sup>nd</sup> July 2018 and the 31<sup>st</sup> August 2018. A list of those consulted is contained within the Policy Document at Appendix A.

4.2 The Council received three responses to the consultation which are detailed at Appendix 1 – Summary of Responses.

4.3 A copy of the Council's proposed Gambling Policy for 2019 - 2022, is attached to this report at Appendix 2.

4.4 The Policy, if approved, will come into force on **31<sup>st</sup> January 2019**, and will remain in force for a period not exceeding three years, and will be subject to review and further consultation before **31<sup>st</sup> January 2022**. The Council will keep the policy under review, making any amendments as it considers appropriate.

### **5.0 Recommendation.**

5.1 That the Council adopt the Statement of Gambling Policy as attached at Appendix 2.

Appendices Attached:

Appendix 1 – Summary of Responses to consultation  
Appendix 2 - Draft Licensing Policy – 2019-2022

## APPENDIX 1

### GAMBLING POLICY 2019-2022 SUMMARY OF RESPONSES TO CONSULTATION

| POLICY   | RESPONSES   | COUNCIL RESPONSE  |
|--|---|---|
| <p>13.2 The Council notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises and in particular, that it is not permissible to locate sixteen Category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded</p> | <p><b>Cherry Hosking<br/>Company Secretary – The Bingo Association</b></p> <p>Since 2011, (SI 2011 1710) there has been no numerical limit on the number of Category B3 machines (unless a premises licence was acquired after that date). The limit for B3 gaming machines in licensed bingo premises was increased to 20% of the available machine estate and therefore reference to a number in the Policy document is misleading.</p> | <p>The Council notes this response and has amended the policy to read:</p> <p>13.2 S. 172 (7) of the Act, as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13<sup>th</sup> July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines. This authority notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible for all the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.</p> |



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|  |   |  |
|  | <p><b>Catherine Sweet</b><br/> <b>Head of Marketing &amp; Communications</b><br/> <b>GamCare</b></p> <p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <ul style="list-style-type: none"> <li>• A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks</li> </ul> | <p>The Council has considered the need for a local area profile but feels that the main issues will be covered by the risk assessments required under the Gambling Commissions' Local Conditions and Codes of Practice (LCCP)</p> <p>The Council has added a new section at Part D of the Policy which outlines the matters the Council will expect operators to consider when drafting their risk assessments, including:</p> <ul style="list-style-type: none"> <li>• Information held by the licensee regarding self-exclusions and incidences of underage gambling.</li> <li>• Gaming trends that may reflect benefit payments. Arrangement for localised exchange of information regarding self-exclusions and gaming trends.</li> <li>• Urban setting such as proximity to schools, commercial environment, factors affecting footfall.</li> </ul> |

## APPENDIX 1

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|  | <p>around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see <a href="http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/">www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</a></p> <ul style="list-style-type: none"> <li>• Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.</li> <li>• A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are</li> </ul> | <ul style="list-style-type: none"> <li>•Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.</li> <li>•Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.</li> </ul> <p>Matters relating to children and young persons, including:</p> <ul style="list-style-type: none"> <li>•Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.</li> <li>•Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted.</li> <li>•Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.</li> <li>•Recorded incidents of attempted underage gambling.</li> </ul> |
|--|--|---|

## APPENDIX 1

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|  | <p>in place.</p> <ul style="list-style-type: none"> <li>• Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?</li> <li>• Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</li> <li>• Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</li> <li>• Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.</li> </ul> <p>We would suggest that the Local</p> | <p>Matters relating to vulnerable adults, including:</p> <ul style="list-style-type: none"> <li>• Information held by the licensee regarding self-exclusions and incidences of underage gambling.</li> <li>• 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.</li> <li>• Proximity of premises which may be frequented by vulnerable people such as hospitals, 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.</li> </ul> <p>The Council will consider each application on a case by case basis but will include in its deliberations: its statement of policy;</p> |
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|   | <p>Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.</p>  | <p>the advice of the Gambling commission and the advice of those working in or with the industry including organisations such as GamCare.</p>  |
| <p>20.3 Permit: 3 or more machines - If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."</p> <p>20.4 This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or</p> | <p><b>Eleanor Roaf</b><br/><b>Interim Director of Public Health</b><br/><b>Trafford Council</b></p> <p>Almost three quarters of British adults gamble on occasion, and many gamble regularly. Most experience no problems and the prevalence of gambling-related harm in Britain is less than 1%.</p> <p>Therefore, for most people, gambling is a pleasurable and harmless activity. However, although only a small proportion of people who gamble suffer adverse consequences, the sheer number of people who gamble in the UK means that this small proportion creates, in numerical terms, a significant number of people where gambling is causing harm either directly to them or indirectly to their family</p> | <p>Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, on which customers can play a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.</p> <p>The Gambling Act 2005 regulates gambling in Great Britain. The Act classified FOBTs as B2 gaming machines. By the time the 2005 Act came into force in September 2007, the Culture, Media and Sport Committee estimated there were 30,000 FOBTs in place.</p> |

## APPENDIX 1

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| <p>being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. [Addition]Where premises are applying for additional machines these would normally be granted where the premises comply with the Gambling Commission's Code of Practice. An application for a permit for up to four machines would normally be considered by Officers without the need for a hearing.</p> | <p>or community. For every problem gambler, a further 5-10 people are directly affected, and there are more problem gamblers in the UK than there are Class A drug users</p> <p>Gambling-related harm includes a range of health and social problems, such as mental ill-health, (e.g., anxiety, depression, compulsive behaviour patterns); impact on family cohesion, including domestic violence; employment instability; debt problems; homelessness, and criminality (eg theft or fraud to fund gambling activity).</p> <p>The likelihood of experiencing harm is not evenly distributed across the population, with men being much more likely than women to suffer problems with gambling. Deprivation is also a significant risk factor, with 13% of men in the most deprived populations experiencing harm, compared to 6% in the least deprived<sup>3</sup>. The Gambling Act (2005) requires that children and other vulnerable people be protected from being harmed or exploited by gambling. Different forms of gambling carry different levels of risk, with fixed odds betting terminals carrying particularly high levels of risk.</p> | <p>An operating licence (issued by the Gambling Commission), together with a betting premises licence (issued by the licensing authority), allows up to four B2 machines to be sited on betting premises.</p> <p>The maximum stake on a single bet on a B2 machine is £100. The maximum prize is £500.</p> <p>In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) announced a range of proposals to strengthen protections around gambling. These included lowering the maximum stake on FOBTs to between £50 and £2. A consultation on the proposals, including the level of the new stake, closed on 23 January 2018.</p> <p>On 17 May 2018, the Government announced that the maximum stake on FOBTs will be reduced to £2. This will require secondary legislation.</p> <p>The Gambling Commission has responded by stating that it does not consider that a stake cut alone on B2s (irrespective of the level) would go far enough to address the risk of harm fully.</p> |
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|  | <p>In relation to Trafford's policy, I welcome the strengthening of the processes to safeguard children from harms caused by gambling, and would ask the Council to look carefully at section 20.3-4 regarding the number of fixed odds betting machines per premises, given the associated risks.</p> | <p>It considers that it is necessary to recommend a package of measures to address harm. This package would not just address the risk of financial harm from B2 machines. It would also minimise the risk of diverting problematic play onto other machines or other forms of gambling, and would help to identify the range of indicators of problem gambling at a much earlier stage.</p> <p>It favours a comprehensive approach, which would help to make gambling on all machines safer. A key part of this is that it see a strong case in principle to make tracked play mandatory across Category B1, B2 and B3 machines. This would increase the availability of information about play, giving:</p> <ul style="list-style-type: none"><li>• consumers access to information that would help them keep track of their own play and make informed choices about whether to continue</li><li>• operators no excuse if they fail to identify players that are starting to show signs of problematic gambling</li><li>• Government and the Commission a clearer picture of whether the industry is meeting its social responsibly.</li></ul> <p>Section 20 of the Policy relates to the numbers of gaming machines in alcohol</p> |
|--|--|---|

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|  |  | <p>licensed premises which can be regulated by the licensing authority.</p> <p>However, as the legislation currently stands the licensing authority is prevented from attaching a condition to a betting office licence to restrict the number of gaming machines (including FOBTs) permitted on the premises.</p> <p>Therefore, the Council is currently unable to limit the use of such machines in Trafford.</p> |
|--|--|---|

## APPENDIX 2



# TRAFFORD COUNCIL

*DRAFT*

## STATEMENT OF GAMBLING POLICY

JANUARY 2019 - 2022



## APPENDIX 2

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## APPENDIX 2

### Policy Statement

#### PART A

#### 1.0 The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it's:

- 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

#### 2.0 Introduction

2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.2 The Authority consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in **Appendix A**.

2.3 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;

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- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Our consultation took place between 2<sup>nd</sup> July 2018 and 31<sup>st</sup> August 2018.

The full list of comments made and the consideration by the Council of those comments is available by request to: the Licensing Office, Trafford Town Hall, Talbot Road, Stretford, Greater Manchester, M32 0TH.

The policy was approved at a meeting of the Full Council on the 28<sup>th</sup> November 2018 and was published via our website on . A copy is available for viewing upon request at the Council Offices.

- 2.4 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.
- 2.5 The Authority is one of the 10 Metropolitan Districts of Greater Manchester.
- 2.6 Trafford's population in 2011 was 226,6005 (Source: Census 2011). Trafford occupies an area of 10,608 hectares and comprises Stretford, Sale, and Altrincham, together with the former urban districts of Bowdon, Hale and Urmston, and the parishes of Carrington, Warburton, Dunham Massey and Partington.

### **3.0 Declaration**

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4.0 Responsible Authorities**

- 4.1 Responsible Authorities are public bodies that must be notified of application and are entitled to make representations to the council in relation to applications for, and in relation to, premises licences.
- 4.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in

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writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

4.3 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

4.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at **Appendix B**.

### 5.0 Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

5.2.1 The factors that the Council will take into account when determining what "sufficiently close to the premises" means (in each case) might include:

- 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 (number of customers, routes likely to be taken by those visiting the establishment); and

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- the circumstances of the complaint. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

The factors that are likely to be relevant to “persons with business interests” and which the council will take into account include:

- the size of the premises
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

5.2.2 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Local Authorities at 8.11 and 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reason for doing so.

5.2.3 The Gambling Commission recommended in its guidance that the licensing authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations although it is noted that the Commission have now stated this was a mistake which will be rectified in future guidance. However, this authority emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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

5.2.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the

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Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section.

### 6.0 Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

### 7.0 Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that:

It 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.

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- 7.3 As per the Gambling Commission's Guidance for Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This authority has adopted 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 enforcement policy, intelligence and complaints .
- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. 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 will not be dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section. Our risk methodology will also be available upon request.
- 7.8 ***[Addition] Reference should also be made to the Council's Enforcement Policy when considering enforcement action. The Council will take into account any published Enforcement Concordat issued by the Gambling Commission.***
- 7.9 ***[Addition] This authority is aware that certain bookmakers have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise.***
- 7.10 ***[Addition] The Council will take account of the Gambling Commission's guidance document issued in February 2015 (and any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.***
- 7.11 ***[Addition] Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action.***

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### 8.0 Licensing Authority functions

8.1 Licensing Authorities are 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 (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

These functions will be carried out in accordance with the Scheme of Delegation.

8.2 It should be noted that licensing authorities will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## PART B

### PREMISES LICENCES: CONSIDERATION OF APPLICATION

#### 9.0 General Principles

9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. The conditions in addition to the



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mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case.

### 9.2 Decision –Making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- 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.

9.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on casinos) and also that unmet demand is not criterion for a licensing authority. Further it is under a duty not to take other irrelevant matters into consideration, e.g. the likelihood of an applicant obtaining Planning permission.

**9.4 *[Addition]The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which will come into force on 6 April 2016. The council will have regard to this code when considering applications. This is covered in detail in Part D of this statement.***

### 9.5 Definition of “premises”

Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

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

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consider that the areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises”.

- 9.7 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

***[Addition]The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.***

Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit

Customers should be able to participate in the activity names on the premises licence

- The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)

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

### Adult Gaming Centre

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

### Betting Shops

- Access must be from a street (as per para 7.21 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### Tracks

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

### Bingo Premises

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

### Family Entertainment Centre

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

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

## 9.8 Premises "ready for gambling"

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

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

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, in order that if the premises were to be used for gambling the premises would be fit.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

- 9.9 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits with the onus upon the applicant showing how potential concerns can be overcome
- 9.10 **Planning:** The Gambling Commission Guidance to Licensing Authorities states: 7.58 – In determining applications 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.

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This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

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

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

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

- 9.12 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.
- 9.13 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it), so as to make that

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distinction. Issues of nuisance cannot be addressed via the Gambling Act 2005.

- 9.14 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section).
- 9.15 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 9.16 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 9.17 ***[Addition] Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that they must make in order to protect children and young people from accessing gambling premises.***

***The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.***

***In particular operators must ensure that;***

- ***all staff are trained,***
- ***that all customers are supervised when on gambling premises***
- ***must have procedures for identifying customers who are at risk of gambling related harm.***

- 9.18 ***The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.***
- 9.19 ***Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities. See Part D of this policy statement for further details and on the Council's requirements in relation to the LCCP.***

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9.20 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision).

9.21 **Conditions** - 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.
- Consistent with those attached to Operator’s Licences.

The conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case.

9.22 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. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

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

9.24 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;

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- 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.
- Physical barriers to segregate areas should not impede the escape routes from that or other areas

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

9.26 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.

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

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

All premises licences shall by virtue of section 183 of the Act be subject to the condition that premises shall not be used to provide facilities for gambling on Christmas Day.

9.28 **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 to this effect.

9.25 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 (as per the Guidance, Part 33).



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### 10.0 Adult Gaming Centres

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 10.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours
  - Self-exclusion schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

### 11.0 (Licensed) Family Entertainment Centres

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.
- 11.2 This licensing authority may consider measures to meet the licensing objectives such as:
- CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas

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- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

- 11.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### 12.0 Casinos

- 12.1 No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

- 12.2 Licence considerations / conditions – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at Part 9, bearing in mind the mandatory conditions listed in Part 17 of the guidance, and the Licensing Conditions and Codes of Practice published by the Gambling commission

### 13.0 Bingo premises

- 13.1 This licensing authority notes that the Gambling Commission's Guidance states:

"[18.5] Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area, essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."

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- 13.2 ***[Addition] 13.2 S. 172 (7) of the Act, as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13th July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines. This authority notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible for all the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.***
- 13.3 [18.7] Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

### 14.0 Betting premises

- 14.1 Betting machines - This 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.

***[Addition] There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.***

***This authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.***

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### 15.0 Tracks

- 15.1 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 especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours
  - Self-exclusion schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 15.4 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 15.5 Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people,

## APPENDIX 2

when considering the number/nature/circumstances of betting machines an operator proposes to offer.

- 15.6 **Applications and plans** - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities para 20.43 – 20.47).
- 15.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 15.8 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

### 16.0 Travelling Fairs

- 16.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

- 16.2 It is noted that the 27 day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighbouring authorities will be consulted to ensure best practice and consistency is applied.

### 17.0 Provisional Statements

- 17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a

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premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 17.2 S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for the premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.
- 17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
  - which in the authority's opinion reflect a change in the operator's circumstances; or
  - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

### 18.0 Reviews

- 18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to

## APPENDIX 2

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 principles.
- 18.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 18.3 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 is appropriate.
- 18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of state or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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- 18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the Chief Officer of police or Chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

### PART C PERMITS / TEMPORARY AND OCCASIONAL USE NOTICES

#### 19.0 **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

- 19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 19.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (24.6)
- 19.3 Guidance also states that "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application..... Licensing authorities might wish to consider asking applications to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
  - 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. (24.7)
- It should be noted that a licensing authority cannot attach conditions to this type of permit



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

### 20.0 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

20.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

20.3 **Permit: 3 or more machines** - If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

20.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or

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in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

***[Addition]Where premises are applying for additional machines these would normally be granted where the premises comply with the Gambling Commission's Code of Practice. An application for a permit for up to four machines would normally be considered by Officers without the need for a hearing.***

- 20.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 20.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 20.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### 21.0 Prize Gaming Permits

- 21.1 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”.
- 21.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - and that the gaming offered is within the law.
  - ***[Addition]Clear policies that outline the steps to be taken to protect children from harm.***
- 21.3 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.
- 21.4 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:

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- 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.

### 22.0 Club Gaming and Club Machines Permits

22.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

22.2 Members Clubs and Miners Welfare institutes - and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

22.3 This licensing authority notes that the Gambling Commissions guidance states:

[25.44] The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.45-25.47 of the gambling Commissions Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

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

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;

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- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

22.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

22.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

### 23.0 Temporary Use Notices

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

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

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

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

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

### 24.0 Occasional Use Notices

24.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

### 25.0 Small Society Lotteries

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

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

25.2 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, on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority at the address and contact details on the front of this policy.

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### [ADDITION]PART D LICENCE CONDITIONS & CODES OF PRACTICE (LCCP)

#### 26.0 LCCP and Risk Assessments

26.1 *The Gambling Commission released an 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](http://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 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 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.*

26.2 *Risk Assessments - Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, 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.*

26.3 *Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for 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.*

26.4 *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 this council expects 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.*

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- **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.**

**26.5 The council expects the following matters to be considered by operators when making their risk assessment.**

**Matters relating to children and young persons, including:**

- **Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.**
- **Any premises where children congregate including bus stops, café's, 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.**

**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, 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.**

**27.0 Local Area Profile**

**27.1 The Council has considered the need for a local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.**

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#### LIST OF CONSULTEES

|  |
|--|
| <b>General</b>                           |
| All Trafford Councillors                 |
| Aaron & Partners Solicitors              |
| Afzal Khan Solicitors                    |
| Altrincham & Sale Chamber of Commerce    |
| Altrincham Civic Society                 |
| Altrincham Town Centre Partnership       |
| Association of British Bookmakers        |
| Astons Turf Accountants                  |
| BACTA                                    |
| Barnardo's                               |
| BEDA Ltd                                 |
| Betfred                                  |
| Beulah Apostolic Church Stretford        |
| Blake Morgan Solicitors                  |
| British Beer & Pub Association           |
| British Casino Association               |
| British Holiday & Home parks Association |
| British Hospitality Association          |
| British Institute of Innkeeping          |
| British Retail Consortium                |
| Buckingham Bingo & Social Club           |
| Buckingham Bingo Ltd                     |
| Buddhist Centre                          |
| Casino Operators Association of the UK   |
| Church of England                        |
| Citizen's Advice                         |
| Daniel Thwaites plc                      |
| Done Brothers (Cash & Betting) Ltd       |
| Enterprise Inns                          |
| Equity                                   |
| Ford & Warren Solicitors                 |
| Gala Coral Group Ltd                     |
| Gamblers Anonymous                       |
| Gambling Commission                      |
| Gamcare                                  |



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|  |
|--|
| Gamestec Leisure Ltd                   |
| George Bet Centres Ltd                 |
| Greater Manchester Chamber of Commerce |
| Greater Manchester Churches Together   |
| Greene King                            |
| HM Customs & Excise                    |
| Hydes Brewery                          |
| Hydes Brewery Ltd                      |
| J D Wetherspoons                       |
| J W Lees                               |
| Jewish Representative Council          |
| John Gaunt Solicitors                  |
| Joseph Holt Ltd                        |
| Kuits Solicitors                       |
| Ladbrokes                              |
| Licensing Matters Solicitors           |
| Local Government Association           |
| Lockett & Co Solicitors                |
| Marstons Brewery                       |
| Martin & McColls                       |
| Mecca Bingo Club                       |
| MENCAP                                 |
| Mitchells & Butler Leisure Retail Ltd  |
| National Casino Forum                  |
| Punch Pub Company                      |
| Reel Leisure Ltd                       |
| Remote Gambling Association            |
| Responsibility in Gambling Trust       |
| Sale Civic Society                     |
| Salvation Army – North West            |
| Samuel Smith                           |
| Spirit Group                           |
| The Bingo Association                  |
| The Bingo Association                  |
| The Children's Society                 |
| The Lotteries Council                  |
| The Rank Group Plc                     |
| The Trafford Centre                    |
| The Trafford Centre                    |
| TOTE                                   |
| Totesport                              |
| Trafford Magistrates' Court            |
| Trethowans Solicitors                  |
| Trust Inns                             |
| United Reform Church                   |

## APPENDIX 2

|  |
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| United Reform Church   |
| Urmston Unitarian Church   |
| William Hill   |
| Winckworth Sherwood Solicitors   |
| Woods Whur Solicitors  |
| Working Men's Club and Institute Union                                   |
|  |
| <b>Council Officers</b>  |
| Director of Integrated Services  |
| Acting Corporate Director, Economic Growth, Environment & Infrastructure |
| Head of Planning   |
| Head of Strategic Growth   |
| Environment Strategic Business Manager                                   |
| Director – Transformation & Resources                                    |
| Regulatory Services manager – Environmental Health                       |
| Regulatory Services Manager – Trading Standards & Licensing              |
| Director – Children, Families and Well Being                             |
| Strategic Manager Crime & Anti-Social Behaviour                          |
| Strategic Manager – Culture & Sport                                      |
|  |
|  |
|  |
| <b>Responsible Authorities</b>   |
| Chief Constable Greater Manchester Police                                |
| Greater Manchester Fire & Rescue Service                                 |
|  |
| <b>Bordering Local Authorities</b>                                       |
| Manchester City Council  |
| Salford City Council   |
| Cheshire East Council  |
| Warrington Borough Council   |

## APPENDIX B

## **APPENDIX 2**

### **RESPONSIBLE AUTHORITIES**

Section 157 of the Gambling Act 2005 relates to who has been defined as a responsible authority

1. The licensing authority in whose area the premises are wholly or partly situated
2. The Gambling Commission
3. Chief Officer of Police
4. Fire and Rescue Authority
5. Planning Authority
6. Children's Services Department
7. Environmental Health (Pollution Control)
8. HM Customs
9. Any other person prescribed by the purposes of this section by regulations made by the Secretary of State.

## APPENDIX 2

|                   |
|-------------------|
| <b>APPENDIX C</b> |
|-------------------|

### SCHEME OF DELEGATION

| Matter to be dealt with                                     | Full Council | Sub-committee of<br>licensing<br>committee                   | Officers  |
|---|--------------|--|---|
| Final approval of three year licensing policy               | X            |  |   |
| Policy not to permit casinos                                | X            |  |   |
| Fee setting (when appropriate)                              |              |  | X   |
| 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                                |              | X  |   |
| Application for club gaming/club machine permits            |              | Where objections have been made (and not withdrawn)          | Where no objections made/objections have been withdrawn               |
| Cancellation of club gaming/club machine permits            |              | X  |   |
| Application for other permits                               |              |  | X   |
| Cancellation of licensed premises gaming machine permits    |              |  | X   |
| Consideration of temporary use notice                       |              |  | X   |
| Decision to give a counter notice to a temporary use notice |              | X  |   |