

**Economy, Communities and Corporate**

Geoff Hughes - Director

**TO: ALL MEMBERS OF THE COUNCIL**

Our Ref: Council - 26 September 2014

Please ask for: Governance Services

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24 September 2014

Dear Councillor,

**YOU ARE HEREBY SUMMONED** to attend the meeting of the Herefordshire Council to be held on **Friday 26 September 2014** at The Shire Hall, St Peter's Square, Hereford HR1 2HX at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

*Bill Norman*

**BILL NORMAN  
ASSISTANT DIRECTOR GOVERNANCE**



# AGENDA

## Council

Date: **Friday 26 September 2014**

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Time: **10.00 am**

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Place: **The Shire Hall, St Peter's Square, Hereford HR1 2HX**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Governance Services**

Tel: 01432 260239

Email: [councillorservices@herefordshire.gov.uk](mailto:councillorservices@herefordshire.gov.uk)

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# Agenda for the Meeting of the Council

## Membership

**Chairman**

**Vice-Chairman**

**Councillor LO Barnett**

**Councillor J Stone**

Councillor PA Andrews  
Councillor CNH Attwood  
Councillor CM Bartrum  
Councillor AJM Blackshaw  
Councillor H Bramer  
Councillor ACR Chappell  
Councillor MJK Cooper  
Councillor BA Durkin  
Councillor DW Greenow  
Councillor J Hardwick  
Councillor JW Hope MBE  
Councillor JA Hyde  
Councillor JG Jarvis  
Councillor Brig P Jones CBE  
Councillor JF Knipe  
Councillor MD Lloyd-Hayes  
Councillor RL Mayo  
Councillor SM Michael  
Councillor PM Morgan  
Councillor C Nicholls  
Councillor J Norris  
Councillor RJ Phillips  
Councillor AJW Powers  
Councillor PD Price  
Councillor P Rone  
Councillor P Sinclair-Knipe  
Councillor DC Taylor  
Councillor TL Widdows

Councillor AM Atkinson  
Councillor JM Bartlett  
Councillor PL Bettington  
Councillor WLS Bowen  
Councillor AN Bridges  
Councillor EMK Chave  
Councillor PGH Cutter  
Councillor PJ Edwards  
Councillor KS Guthrie  
Councillor EPJ Harvey  
Councillor MAF Hubbard  
Councillor TM James  
Councillor AW Johnson  
Councillor JLV Kenyon  
Councillor JG Lester  
Councillor RI Matthews  
Councillor PJ McCaull  
Councillor JW Millar  
Councillor NP Nenadich  
Councillor FM Norman  
Councillor CA North  
Councillor GJ Powell  
Councillor R Preece  
Councillor SJ Robertson  
Councillor A Seldon  
Councillor GR Swinford  
Councillor GA Vaughan-Powell  
Councillor DB Wilcox

## AGENDA

	Pages
<b>Public Information fire info</b>	7 - 8
<i>(The meeting will be preceded by prayers.)</i>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	9 - 26
To approve and sign the Minutes of the meeting held on 18 July 2014.	
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b>	27 - 28
To receive the Chairman's announcements.	
<b>5. THE PLEDGE TO CHILDREN AND YOUNG PEOPLE LOOKED AFTER BY HEREFORDSHIRE COUNCIL</b>	29 - 36
To endorse the Pledge to Children and Young People in Herefordshire and further raise the profile of this vulnerable group.	
<i>(There will be a presentation, including a film, scheduled to take approximately 30 minutes.)</i>	
<b>6. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>	37 - 42
To receive questions from members of the public.	
<b>7. NOTICES OF MOTION UNDER STANDING ORDERS</b>	43 - 46
To consider Notices of Motion.	
<b>8. LOCAL TRANSPORT PLAN</b>	47 - 110
To approve extension of the current Local Transport Plan until after the council's Core Strategy is adopted, or to 31 March 2016, whichever is the earlier.	
<b>9. YOUTH JUSTICE PLAN</b>	111 - 156
To consider the Youth Justice Plan.	
<b>10. REVIEW OF THE IMPLEMENTATION OF THE LICENSING POLICY AND CUMULATIVE IMPACT POLICY - LICENSING ACT 2003</b>	157 - 264
(a) To consider the adoption of the draft licensing policy to be used by Herefordshire Council in respect to carrying out its functions under the Licensing Act 2003; and	
(b) To consider the adoption of a draft special licensing policy for the cumulative impact of premises in the vicinity of Hereford City.	
<b>11. A REVISED 'STATEMENT OF PRINCIPLES' POLICY UNDER THE GAMBLING ACT 2005.</b>	265 - 328
To approve the draft Gambling Act Policy Statement of Principles.	

<b>12.</b>	<b>ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - REGULATIONS AFFECTING SEX ESTABLISHMENTS AND APPROVAL OF DRAFT SEX ESTABLISHMENT POLICY</b>	329 - 382
	To agree a draft sex establishment licensing policy.	
<b>13.</b>	<b>THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW</b>	383 - 422
	To consider the recommendations of the Audit and Governance Committee on 9 September 2014, following the Ross-on-Wye Community Governance Review.	
<b>14.</b>	<b>REVIEW OF POLLING PLACES, POLLING DISTRICTS, AND POLLING STATIONS</b>	423 - 476
	To approve a new scheme of polling places, polling districts and polling stations.	
<b>15.</b>	<b>LEADER'S REPORT</b>	477 - 484
	To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.	
<b>16.</b>	<b>FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS</b>	
	To receive any written questions from Councillors.	

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### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.



HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Council held at Council Chamber - Brockington on Friday 18 July 2014 at 10.00 am**

**Present:** Councillor LO Barnett (Chairman)  
Councillor J Stone (Vice Chairman)

**Councillors:** PA Andrews, AM Atkinson, JM Bartlett, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, EPJ Harvey, MAF Hubbard, JA Hyde, TM James, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, J Norris, CA North, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell, TL Widdows and DB Wilcox

**10. PRAYERS**

The Very Reverend Michael Tavinor led the Council in prayers.

He informed the Authority that the Right Reverend Richard Frith had been appointed as the new Bishop of Hereford and sent his greetings to the Authority. The Bishop would be seeking to meet civic leaders at the earliest opportunity.

**Welcome to New Councillors**

The Chairman welcomed newly elected Councillors JM Bartlett and TL Widdows.

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor CNH Attwood, JW Hope MBE, JG Jarvis and PJ McCaull.

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**13. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23 May 2014 be confirmed as a correct record and signed by the Chairman, subject to the deletion of the final sentence of the paragraph headed Terms of Reference – Audit and Governance Committee on page 15 of the agenda papers: “However, all Members had had the opportunity to comment if they wished.”

**14. CHAIRMAN'S ANNOUNCEMENTS**

Council noted the Chairman’s announcements as printed in the agenda papers.

The Chairman added her congratulations to the Right Reverend Richard Frith following his appointment as the 105th Bishop of Hereford.

## **Petition**

The Chairman also reported the receipt of a petition from Councillor H Bramer regarding reducing the speed limit at Gorsley Goff's Primary School. The Cabinet Member – Transport and Roads received the petition.

### **15. QUESTIONS FROM MEMBERS OF THE PUBLIC**

A copy of the public questions and written answers is attached to the Minutes at Appendix 1.

### **16. NOTICES OF MOTION UNDER STANDING ORDERS**

Council considered the one Notice of Motion that had been received:

#### **Notice of Motion – Draft Local Plan Core Strategy**

Councillor Powers proposed the motion. He commented that all Councillors wanted the Council to adopt a sound core strategy. The motion therefore proposed that if the Inspector deemed that major amendments were necessary it was important that Council considered these amendments. This would also allow for appropriate further public consultation. The Inspector and Officers should be able to determine the difference between major and minor amendments.

Councillor Swinford spoke in support of the motion, expressing concern about the soundness of the Core Strategy. He highlighted the proposed housing development in Bromyard which he said had no employment land designated to accompany it, contrary to policy.

The Cabinet Member - Infrastructure indicated support for the motion. He commented that the responses to the pre-submission consultation had not identified the need for any major amendments. The responses were being consolidated for submission to the Inspector. If the Inspector identified a need for major amendment this would need to be considered at a meeting of Council.

Councillor Powers commented that in his view the decision of Council in July 2013 had not made it explicit that any major amendments would need to be considered by Council. The Notice of Motion provided that clarity.

**RESOLVED UNANIMOUSLY: That the Notice of Motion be agreed:**

**“In the event that officers deem it necessary to make any *major* amendments to the Pre-Submission Publication Core Strategy to ensure ‘soundness’ prior to its submission to the Inspector, this Council reviews and approves the final version of the Core Strategy. This will also allow for appropriate further public consultation on any *major* amendments.”**

### **17. ALLOCATION OF SEATS ON COUNCIL COMMITTEES AND OUTSIDE BODIES**

Council considered the allocation of seats to political groups.

Appendices 1 and 2 to the report showing the political composition of the Council, a proportionate allocation of seats, and an allocation of seats on outside bodies were circulated at the meeting.

The Cabinet Member – Corporate Services presented the report and proposed a slight alteration to the allocation of seats set out at table 2 of appendix 1.

**RESOLVED:**

- That**
- (a) the allocation of seats on ordinary committees to political groups be made as indicated in appendix 2 to these Minutes;**
  - (b) the seats on other bodies to which the allocation of seats to groups falls to be made by Council be as indicated in appendix 2 to these Minutes; and**
  - (c) the suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.**

**18. COMMUNITY SAFETY STRATEGIC PLAN 2014-17**

Council was invited to adopt the Herefordshire Community Safety Strategic Plan 2014-17.

The Cabinet Member – Corporate Services presented the report.

In discussion the following principal points were made:

- It was suggested that the relationship between the Environmental Health function and the Public Health function required further work.
- The General Overview and Scrutiny Committee had received a presentation from a representative of the Probation Service who had expressed disquiet about reforms to that Service. The Committee had asked for these to be forwarded to the Ministry of Justice. It was noted that no response had as yet been received. The Cabinet Member commented that the Community Safety Partnership had recently received a much more positive view on the reforms than had been presented to that Committee.
- It was requested that preventative measures were increased to address the number of serious accidents on the County's roads. The Cabinet Member commented that the Partnership was to discuss this matter at its next meeting.

**RESOLVED UNANIMOUSLY: That the Herefordshire Community Safety Strategy 2014-2017 be adopted.**

**19. TREASURY MANAGEMENT OUTTURN 2013/14**

Council was invited to approve the Treasury Management outturn for 2013/14 and associated prudential indicators.

The Leader of the Council presented the report.

In discussion the following principal points were made:

- The Head of Technical Accounting clarified the Council's approach to borrowing in the light of indications that there may be changes in the Bank of England base rate. She confirmed that the authority sought professional advice on its borrowing strategy. The present advice was that the Council should continue with its current strategy.

- With reference to page 62 of the agenda papers (paragraph e) it was asked if Council owned land blocks such as smallholdings which could be opened up by strategic infrastructure projects were part of the receipts which are reported as protected fixed asset sales of £20m in both 2015/16 and 2016/17. It was further questioned whether the estimated receipts included the sale of smallholding land to facilitate road construction.

The Head of Technical Accounting commented that the sums did include an estimate of receipts from surplus assets and that the estimated sums were based on today's valuations.

The Leader agreed to provide a written answer to all Members setting out the detailed position.

- In response to criticism of the transparency of the process for disposing of assets the Leader stated that decisions on the disposal of assets would be taken by Cabinet. He would brief Group Leaders on any sensitive proposals such as those relating to smallholdings in advance of any decisions being taken.

**RESOLVED: That the final Treasury Management out-turn for 2013/14 and associated prudential indicators be approved.**

## 20. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of Council in March 2014 and an overview of key activity in 2013/14.

The Leader highlighted the following matters:

- A recent Ofsted inspection had confirmed there had been progress in delivering the children's safeguarding improvement plan, with adoption services rated as good. He thanked all those staff involved for their work.
- There had been a rise in the DfE funding of Herefordshire's pupil premium for 2014/15, although it was to be noted that the Dedicated Schools Grant (DSG) per pupil in Herefordshire remained 5% below the average for education authorities.
- The development of the old livestock market had been a success and in relation to the effect on High Town, whilst it was still early in the life of the development to draw conclusions, he had not received any complaints.
- He highlighted progress in increasing access to broadband across the county and thanked the team involved in the project.
- The Local Enterprise Partnership (LEP) through the strategic economic plan it had submitted to Government had secured some £43m to support economic growth in the County. The bid had been for £47m. He believed it was the best per capita allocation in the Country. The significance of the allocation could not be overstated. He congratulated the Council and LEP teams involved in developing the bid including Councillor RJ Phillips who supported this aspect of the Leader's portfolio.

The following principal points were made during discussion of the report (*references in brackets are to the relevant page (and paragraph number) of the published agenda papers*):

- (p67 (20)) – The current operation of the Council's two scrutiny committees was questioned. The Leader commented that he had held discussions with the new

Chairmen of the two Committees. The scrutiny committees continued to have a full role to discharge and this would include discussions on policy. -

- (p67 (13)) – In response to a question about a recruitment exercise by the LEP the Leader emphasised the importance of the LEP's role and for it to have the resources required to support its work. Councillor RJ Phillips emphasised the need to ensure appropriate staff were in post to account for the money allocated by Government and deliver the projects to which it had been allocated. He noted that economic development teams within the LEP area were working with the LEP to avoid duplication of effort.
- A Member questioned the link between the road and transport schemes and job creation outlined in paragraph 13 of the report, including an A49/A456 link road, to which it was proposed to allocate funding secured via the LEP. He also questioned the degree to which the funding was provisional. The Leader stated that the proposed infrastructure was necessary to release the potential of the Enterprise Zone. The funding was provisional in the sense that it would be made available as the Council met various Government requirements, and submitted its detailed plans, as was normal practice.

Councillor Phillips commented that the funding had been allocated on the basis of the strategic economic plan submitted by the LEP. If a future Council were to seek to change that plan re-negotiations would have to take place.

The Chairman suggested that the Member discussed the matter further with the Leader and Councillor Phillips.

- (p65 (11/12)) – It was asked whether the Council's new delivery partner, Balfour Beatty Living Places (BBLP), had the capacity to deliver the work programme expected of it. The Cabinet Member – Transport and Roads commented that he believed this was the case. He acknowledged BBLP had drawn on staff and contractors from outside the County to meet the grass cutting demand. Sub-contractors within the County had been fully committed.
- A request was made that consideration should be given to the requirement to repair certain potholes within 24 hours, suggesting that this should be changed to 3 days to allow a better planned maintenance programme.
- A question was asked about ICT support for Members. The importance of having a resilient and secure system was noted. It was intended to implement new and improved arrangements for Members after May 2015.
- (P64 (5)) – In response to a comment on the importance of maintaining the focus on delivering the Children's safeguarding improvement plan, the Cabinet Member – Young People and Children's Wellbeing indicated that he was content for the Health Overview and Social Care Scrutiny Committee to support that process as it saw fit.
- (P65 (12)) Further information was requested on how local councils, community groups and individuals were working together. The Cabinet Member - Corporate Services agreed to provide a written answer.
- (P 64 (9)) The local ward member sounded a note of caution over the impact of the development of the old livestock market on High Town. He suggested there was no strategy for supporting the historic core of the City and in support of this view referred to a number of issues within the historic core that required resolution. The Leader commented that the administration considered the development of the City as a whole. He would respond in writing to the points of detail that had been raised.
- (P66 (14)) In response to comment about the importance of supporting the Market Towns including ensuring broadband provision, the Leader stated that the significance of the Market Towns was recognised in the planning for the County's future. The commercial roll-out of broadband was complete in Hereford, Leominster

and Ledbury. The Leominster Enterprise Park was privately owned but the Council, working with BT, had ensured provision of broadband for some businesses and work was ongoing. The broadband project was progressing well.

**RESOLVED: That the report be noted.**

**21. ANNUAL REPORTS FROM COMMITTEES**

Council was invited to note the following annual reports: Audit and Governance Committee, General Overview and Scrutiny Committee, Health and Social Care Overview and Scrutiny Committee, Health and Wellbeing Board, Planning Committee and Regulatory Committee.

The Chairman of the Planning Committee commented on the Committee's demanding workload and thanked Members and officers for their work.

**RESOLVED: That the annual reports from committees be noted.**

**22. ANNUAL REPORT OF THE HEREFORD & WORCESTER FIRE AUTHORITY**

Councillor Brig. P Jones presented the annual report of the Hereford & Worcester Fire Authority.

Several Members expressed concern about the implications of proposals within the Fire Authority's draft Community Risk Management Plan to reduce fire cover in Herefordshire. It was suggested that the possible reduction in Herefordshire was also disproportionate compared with the proposals for fire cover in Worcestershire.

The Chief Fire Officer commented that the Community Risk Management Plan was required to balance risk against the available resources. A number of further options were to be submitted to members of the Fire Authority for consideration.

It was also highlighted that if a merger with Warwickshire Fire and Rescue Service were to proceed it would be essential to ensure that Herefordshire secured proper representation on any managing body.

**RESOLVED: That the annual report of the Hereford & Worcester Fire Authority be received.**

**23. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

A copy of the Member questions and written answers, together with the supplementary questions and answers asked at the meeting is attached to the Minutes at Appendix 3.

**Departure of Staff**

Council noted that two long-serving members of the Governance Services team were leaving and thanked them for their direct support to Councillors.

The Chairman acknowledged the Council's gratitude to all staff.

## PUBLIC QUESTIONS TO COUNCIL – 18 July 2014

### Question from Mr P McKay, Leominster

Question 1

#### Registering Unrecorded Rights of Way

*Natural England's Commissioned Report NECR035 titled 'Stepping Forward' regarding the proposed cut-off date of 2026 for registering unrecorded rights of way says paragraph 6.22 that "In accordance with their existing statutory duties, surveying authorities will themselves need to assess the potential for loss of useful or potentially useful pre-1949 rights to the cut-off provision, and take action to prevent this", so may I request your confirmation that you propose to undertake such an assessment along with resultant action plan, the date by which this could be expected to be made available for inspection, and whether or not this duty is included within your Development Plan - Core Strategy ?*

#### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 1

Whilst resources are limited I can confirm that all statutory duties in relation to this issue will be complied with.

The council has published a Rights of Way Improvement Plan which is the appropriate document to set out the council's approach to meeting this duty, rather than the Core Strategy.

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### Question from Mr M Sandaver, Herefordshire

Question 2

#### Weekly Bin Collections

*Why are the council failing to provide weekly bin collections if they have served us well for decades, why on earth would leaving smelly rubbish in coloured plastic bins suddenly be a good idea?*

#### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 2

The council, in line with its corporate plan priorities, is focussing its reducing resources on keeping children and young people safe and giving them a great start in life, enabling residents to live safe, healthy and independent lives and investing in projects to improve roads, create jobs and build more homes. To focus the council's limited resources on our priorities all services were reviewed to identify savings and wherever possible to improve performance.

## **PUBLIC QUESTIONS TO COUNCIL – 18 July 2014**

In line with two thirds of councils across the country we have taken the decision to move to alternate weekly collections because, as well as delivering financial savings of some £500,000 a year, the following benefits are expected:

- The number of collection vehicles could be reduced.
- 75,000 fewer miles would be travelled by collection vehicles every year. This is the same as three times around the earth at the equator.
- Significant carbon savings could be made.
- Black sacks are prone to vermin attack causing litter hence the move to bins would reduce this environmental problem.
- Only general rubbish contained in the bins would be collected which would reduce the amount of trade waste illegally collected from black sacks.
- Overall general rubbish tonnages would reduce.
- Recycling performance would improve.
- Waste disposal tonnage and hence costs of disposal would reduce.
- The service would be in the cheapest 10% of the country's collection services.



**Table 1: Political composition of the Council**

	Numbers in Group
Conservative	27
Herefordshire Independent	13
Green	2
It's Our County!	12
Liberal Democrat	3
Ungrouped	1
<i>Total</i>	<i>58</i>

**Table 2: Proportionate Allocation of seats**

Committee	Seats	Liberal Democrat	Herefordshire Independent	Conservative	Green	It's Our County!	Ungrouped
Audit and Governance Committee	10	-	3	5	-	2	-
Employment Panel	6	-	1	3	-	1	1
General Overview and Scrutiny Committee	14	1	3	7	-	3	-
Health and Social Care Overview and Scrutiny Committee	14	1	3	6	1	3	-
Planning Committee	20	1	5	9	1	4	-
Regulatory Committee	10	1	2	4	1	2	-
<i>Total Seats</i>	<i>74</i>	<i>4</i>	<i>17</i>	<i>34</i>	<i>3</i>	<i>15</i>	<i>1</i>

**Table 3: Allocation of seats on outside bodies**

<b>Body</b>	<b>Seats</b>	<b>Liberal Democrat</b>	<b>Herefordshire Independent</b>	<b>Conservative</b>	<b>Green</b>	<b>It's Our County!</b>	<b>Ungrouped</b>
Fire & Rescue Authority	6	-	2	3	-	1	-
Standing Advisory Council For Religious Education	3	-	1	1	-	1	-

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Question from Councillor NP Nenadich

#### Home Visits

- 1 *Given that we as a Council have pledged to protect / assist the "most" vulnerable is it possible to consider home visits being increased from 15 minutes to 30 at this time? This interaction for so many may well constitute their only human contact and allow greater personal assistance.*

### Answer from Councillor GJ Powell, Cabinet Member Health & Wellbeing

Answer to question 1

Currently the provision of 15 minute home care calls accounts for only 1% of total delivery within Herefordshire. We are working to remove these shorter duration calls completely. Where these calls are for medication prompts we will be working with individuals to use appropriate assistive technology. Actual care visits should be of an appropriate length to deliver a meaningful level of contact, care and support.

There are some vulnerable people in our community who have very little personal interaction and we are working with our voluntary and community sector to increase the number of groups and individuals in communities who look out for their neighbours. A 15 minute visit from a friend or neighbour can make the difference between social inclusion and rural isolation.

#### Supplementary Question

How are we developing initiatives to protect the most vulnerable?

### Answer from Councillor GJ Powell, Cabinet Member Health & Wellbeing

We are having a housing seminar with private developers and Registered Social Landlords that will look at housing development in particular for elderly residents. The Cabinet Member- Infrastructure and I are working on a range of health and social care initiatives with Wye Valley Trust the 2gether Trust and the Herefordshire Clinical Commissioning Group to discuss initiatives. We will also continue to work with communities and volunteers.

### Question from Councillor DB Wilcox

#### River Island Building – High Town

- 2.1 *The fire-damaged buildings adjoining Ann Summers in High Town continues to give cause for concern. Despite four years having elapsed since the fire, this eyesore continues to be a blot on the city centre*

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

*landscape. I am aware that discussions have taken place with insurers, owners and developers and various hopes and aspirations have been expressed. However despite all these, little has been achieved and I would ask if the Cabinet Member will actively consider taking appropriate action to bring this matter to a conclusion in the near future.*

*In particular, I would seek answers to the following points:*

- (a) As the scaffolding and boarding continue to project into part of a designated highway, is there a proper permit currently in force allowing the continuing obstruction of the highway in this manner and if so when does this permit expire?*
  - (b) Can the Council either terminate such a permit and/or refuse to issue another one unless the Council can be satisfied that suitable works are to be carried out over a restricted period?*
- 2.2 Please advise as to what statutory notices can be served or other enforcement action taken under planning, highway or other legislation to require the restoration of the building and removal of the scaffolding and boarding.*
- 2.3 Depending on the answers given to the above can the cabinet member confirm what action he proposes to instigate to bring this matter to a suitable conclusion at the earliest opportunity?*

### **Answer from Councillor PD Price, Cabinet Member Infrastructure**

Answer to question 2

This is a long-standing and protracted matter. The scaffolding around the front of the building (which has the appropriate license in place) is safeguarding the façade of the building from collapse. This is to be retained as part of the approved rebuilding scheme. Whilst the council does have powers to remove obstructions from the highway, we could not unreasonably withhold a licence for scaffolding required for this purpose.

Officers have recently inspected the building and are satisfied that the building is secure and that the historic elements to be retained are protected from wind and water.

The key to the rebuilding of the property rests with its letting on the commercial market. Officers and I are doing all that we can to encourage the owners to bring this matter to a speedy conclusion. In doing so we are working with businesses and other property owners in High Town. However should these discussions not prove fruitful options for more formal enforcement action will be considered in the autumn.

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Supplementary Question

What statutory powers are available to the council to take enforcement, or other action, as I asked at paragraph 2.2 above?

### Answer from Councillor PD Price, Cabinet Member Infrastructure

There are statutory enforcement powers available to us but these could be very expensive to use. We have discussed the situation with the owners and their agent. They have confirmed that they want to return the property to its previous use. The Council would prefer to reach a mutual agreement rather than take enforcement action. I will inform Councillor Wilcox in the early Autumn of how negotiations have gone.

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### Question from Councillor P McCaull

#### Wind Turbine at The Earl Mortimer College, Leominster

3 *Recent press coverage has raised concerns regarding the return on investment made by the Welsh Assembly and Rushcliffe Borough Council when installing wind turbines, and noting that the supply company has gone into liquidation. I understand that the turbine fitted at The Earl Mortimer College in Leominster is the identical model as the Welsh Assembly one and therefore ask:*

- a) *Was it supplied by the same company as the Welsh Assembly and no longer in existence which means there is no-one to maintain it? (Company – Quiet Revolution)*
- b) *What was the total cost of supply, fix and any maintenance so far?*
- c) *How much electricity is it producing per month, in money as a return?*
- d) *How many years is it going to take to get back that money even if no more money has to be spent from now on?*
- e) *Or is this another case of misspending rates and tax payers money?*

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 3

Given the level of detail requested I have asked officers to liaise with the school before providing a written response.

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Written Answer

- 3 a Yes it was supplied by 'Quiet Revolution'. In terms of maintenance there are a number of suppliers able to undertake such work
- 3.b The capital cost of the installation was £157,000. After a twelve month period the school chose to cease its operation on commercial grounds. Thereafter all revenue expenditure has been a matter for Earl Mortimer College to resource through its delegated funding from central government. The council has no service level agreement with the school who manage operational aspects of the site through a third party supplier.
- 3.c None – see 3 b above.
- 3 d Given the answer to 3 c above, there is no likelihood of any return on the scheme. However there was no payback expected to Herefordshire Council which did not fund the scheme.
- 3.e The scheme was funded via central government grant. There was no borrowing associated with the scheme.

### Question from Councillor J Knipe

#### Hereford United Football Ground

4. *We are reading a great deal in the press about the re-negotiation of leases on the Edgar Street football ground. I would like to know whether a due diligence report was prepared on behalf of Herefordshire Council to establish the financial credibility of Hereford United prior to the leases being amended in the last year. If a report has been prepared could it be released to avoid unnecessary speculation?*

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 4

I understand that the future of football in Hereford is generating a high level of speculation in some quarters. The council has been aware of the situation the football club has been facing for some time and has been doing what it can to support the retention of league football in the county whilst protecting public assets.

The council carried out the appropriate level of due diligence when restructuring the Hereford United Football Club leases, as it would do with any existing long term tenant who is not a new entity; no separate report was prepared at that time. The conditions have not been met to enable the leases to be extended beyond 2044.

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Supplementary Question

What does the Cabinet Member consider to be “an appropriate level of due diligence”, to which he refers in his answer?

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

In renegotiating the leases we were in discussion with a Club with which, although in some financial difficulty, we had been dealing for a considerable time. The Council and those representing the Club wanted to allow football to continue to be played at Edgar Street. The level of due diligence undertaken with someone known to us as opposed to someone unknown to us would be completely different. We are trying to provide for football to continue to be played at Edgar Street and hope that that may still be the case.

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### Question from Councillor RI Matthews

#### Ragwort in verges

5. *Can the Cabinet Member please inform Members as to what action is being taken to deal with the serious problem of Ragwort which has been observed growing in abundance on roadside verges throughout the County, including in the immediate vicinity of the new Cattle Market? I understand from Government literature that this weed contains toxins which can have “debilitating or fatal consequences if eaten by horses and other grazing animals”.*

*I feel that this matter has not been treated with the urgency it merits, and as a result Members are receiving complaints from concerned parties.*

Answer to question 5

Balfour Beatty deals with this issue on behalf of the council. Treatment includes a seasonal spraying programme to aid control of ragwort in the county. Further details on how to recognise and report Ragwort are available on the council's website; members are also able to highlight particular problem areas to their locality steward. The specific concern regarding the area in the vicinity of the new livestock market has been passed to Balfour Beatty.

### Supplementary Question

Will the Cabinet Member also act to control Japanese Knotweed?

## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Answer from Councillor P Rone Cabinet Member Transport & Roads

I will check what action needs to be taken.

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### Question from Councillor RI Matthews

#### Franklin House

6 *I understand that the people working to provide a University of Hereford have been given an option to purchase Franklin House from the Council for a fee of £880,000.*

*Can you confirm that this is so, and at the same time inform Members as to where the Customer Services will be situated if this sale should go ahead?*

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

Answer to question 6

This is not so. Following the motion passed by Council asking the executive to identify the most appropriate way in which the council can assist in securing the future of higher education in the county I have authorised officers to enter into a memorandum of understanding with the New University of Herefordshire and commence negotiations for options on a number of sites, one of which is Franklin House. A link to the report informing that decision is below.

<http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=2714>

Following Cabinet's consideration last September of options for the future model of customer services, which included options for the future base for customer services in the city, a further report on the council's accommodation strategy is scheduled for consideration in the autumn.

#### Supplementary Question

Can you assure Members that the best possible price will be sought when disposing of Council assets?

### Answer from Councillor H Bramer Cabinet Member Contracts & Assets

We have a duty to obtain the best possible price at the time a disposal takes place.

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## MEMBERS' QUESTIONS TO COUNCIL – 18 JULY 2014

### Question from Councillor MD Lloyd-Hayes

#### Children's Safeguarding

- 7 *In light of the importance of the Government and this Council's attempts to protect children from physical, sexual, mental and emotional abuse, would it not be prudent to insist that Members of this Council, who are all Corporate Parents attend Children's Wellbeing seminars/training in order to engage and carry out their statutory duty effectively?*

#### Answer from Councillor J Millar Cabinet Member Young People and Children's Wellbeing

Answer to question 7

I agree that every member of this council should attend training and briefing sessions on this important issue, which was highlighted by the Health & Social Care Overview & Scrutiny Committee's task & finish review. I share Cllr Lloyd-Hayes' concern and will take the matter up with Group Leaders with a view to introducing some mandatory corporate parenting and safeguarding training from 2015, and ensuring that such opportunities are accessible to all members.

#### Supplementary Question

Could consideration be given to reducing the allowances of Members who do not carry out their corporate parenting role effectively?

#### Answer from Councillor J Millar Cabinet Member Young People and Children's Wellbeing

That is not within my remit. I will suggest that it is raised with Group Leaders.



## **Chairman's Announcements – 26 September 2014**

The Vice-Chairman and I have attended the following;

### **The celebration of the value of orchards and the achievements of people with learning disabilities in Herefordshire at Lyde Court - 24 July**

It was lovely to attend this event and it was wonderful to see the enthusiasm and commitment of the young people expressing their talents.

### **Three Choirs Festival Service at Worcester Cathedral – 26 July**

This was a lovely service and we look forward to hosting next year.

### **The opening of the refurbished Ross Library and Customer Services Centre – 1 August**

It was heartening to see what has been achieved at the Ross library and the way other services are being shared in the library such as Job Centre plus. We were very impressed with the enthusiasm and dedication of everybody there and it is an enormous asset to the people of Ross and the surrounding area.

### **World War One Commemorative Service at Hereford Cathedral – 3 August**

It was very inspiring and wonderful to see so many people in attendance at the World War One Commemorative Service, where over 400 people attended.

### **Powys Civic Service – 17 August**

A very enjoyable service and helpful in maintaining civic links with our neighbouring authorities.

### **Opening Ceremony of the Flavours of Herefordshire Festival – 23 August**

There were thousands of visitors, it was very well organized and it was a pleasure to open the event and meet Mary Berry. This annual event continues to provide an excellent showcase for the talented producers of the county.

### **Community Games for people with a learning disability – 10 September**

A very well organized event by MENCAP and it was lovely to see all the young people enjoying themselves. The Point4 made a very good attractive venue for this event.

### **Homestart AGM – 12 September**

A very interesting and informative meeting.

As you are aware, in 2012 I launched the first Herefordshire Diamond County Award which proved to be a huge success, with over 40 companies being nominated. Please could I encourage you all to become involved in nominating local businesses and apprentices for the 2015 award. Further details will follow.

Date for your diaries: Chairman's Civic Service 15 March 2015

Finally, I would like to thank the Vice Chairman very much for attending a number of events on my behalf.





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>The Pledge to Children and Young People Looked After by Herefordshire Council</b>
<b>REPORT BY:</b>	<b>Director of Children's Wellbeing</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Countywide

## Purpose

To endorse the Pledge to Children and Young People in Herefordshire and further raise the profile of this vulnerable group.

## Recommendation(s)

**THAT: The Pledge to Children and Young People Looked After by Herefordshire Council at Appendix 1 to the report be adopted.**

## Alternative Options

- 1 The alternative is not to adopt the Pledge to Children and Young People Looked After by Herefordshire Council which would result in less clarity about the council's approach to corporate parenting.

## Reasons for Recommendations

- 2 Looked after children are amongst the most vulnerable in our county. For reasons beyond their control, they have been taken into the care of the council and often away from members of their family. It's widely recognised that the outcomes this group, both educational and social, are poor. There is, therefore, a moral imperative to ensure that those who fulfil the role of corporate parent do all they can support the

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Further information on the subject of this report is available from  
Steve Laycock, additional needs senior casework manager on Tel (01432) 260816

development of this group.

- 3 The pledge has been overseen and supported by the Corporate Parenting Panel. This panel is chaired by Councillor Jenny Hyde and includes cross party membership.

## Key Considerations

- 4 We know that no child chooses to be in care and that this can add extra challenges and uncertainties into their lives. The loss of day-to-day contact with parents can have a significant effect on the development of those children for whom the local authority has to provide support. One element of the role of the corporate parent is to ensure that the needs of looked after children are promoted and met. The pledge lays out the expectations for those who support, in any capacity, and work with this group.
- 5 There are both national and local expectations about the education and health we expect for our children in care and the corporate parenting panel is establishing targets for these as well as employment and other targets.
- 6 The pledge has been developed with groups of looked after young people and has resulted in three priorities: these are the things that they feel will make the greatest difference to their lives.
  - You listen to me.
  - You know me.
  - You support me when I need it.

It also contains a list of aspirational activities that every child should experience: Children in the care of the council should be no different and during their time in care they should also have access to the same life experiences.

- 7 The activities, based on those found to be successful in the London Challenge, have been adapted by the working group of looked after young people to make sense to them and with the aim of raising their aspirations.
  - a) I will have had the chance to express my views on issues related to looked after children in Herefordshire and will know I have been listened to.
  - b) My talents (academic, sporting or creative) will have been celebrated – at school or outside.
  - c) I will have taken part in a public event – either sports, dance, concert or visual arts.
  - d) I will have taken part in a play, musical or reading that involves either acting, speaking or helping with the productions.
  - e) I will have been on an educational visit or overnight stay.
  - f) I will have the opportunity to help others through voluntary activities.
  - g) I will have been to an artistic or sporting event at a major venue.
  - h) I will have the opportunity to learn about and understand other cultures and faiths.
  - i) I will have planned, delivered and evaluated a project from beginning to end.
  - j) I will have experienced cutting-edge science and technology.

## **Community Impact**

- 8 The pledge describes our aspirations to help improve the outcomes for a particularly vulnerable group of Herefordshire young people. The aim is to ensure the local authority does all in its power to give these young people the chance to experience what they deserve and to use the wider resources available within the county to achieve this.

## **Equality and Human Rights**

- 9 The pledge is for all those children and young people who are the legal responsibility of Herefordshire Council. It will apply equally to those looked after children who have special educational needs or a disability.

## **Financial Implications**

- 10 The cost implications are minimal. The pledge will be published as an electronic document and circulated to all those who work with looked after children.
- 11 It is expected that the aspirational activities will be supported by those caring for and educating the young people. It should also be noted that the young people have accepted their responsibility for funding some activities and the Children in Care Council is actively fundraising to support these.

## **Legal Implications**

- 12 Implementation of the Pledge is not mandatory however it would support the Council in meeting its duties towards Looked After Children as set out in Sections 3(a) and 3A of the Children's Act 1989 in that a local authority has a duty to safeguard and promote the welfare of looked after children including a particular duty to promote a child's educational achievement.

## **Risk Management**

- 13 With the pledge in place and effectively communicated, we will have a stronger base with which to improve the outcomes for the children and young people looked after by Herefordshire.

## **Consultees**

- 14 The pledge has been developed in consultation with a group of children and young people in care.

## **Appendices**

Appendix 1: The Pledge to Children and Young People Looked After by Herefordshire.

## **Background Papers**

None.





# Pledge to those children and young people looked after by Herefordshire Council



We know that nobody chooses to be in care and that it isn't always easy. We know that it can bring extra problems and uncertainties. If you are to do well, be successful and be able to do the things you want to do, it is important that we (all those who work with and for you) get it right.

This pledge – those things we promise to do our absolute best to do for you – has been developed after listening to groups of young people looked after by Herefordshire Council. The three themes you told us were important to make you succeed are:

- You listen to me
- You know who I am
- You support me when I need it



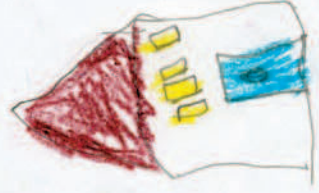
## You know me

### We will:

1. Support you in developing a range of interests and activities outside school
2. Help you recognise your skills and abilities and develop a plan to get the most out of your life, particularly as you get older and leave school
3. Make sure you have an allocated social worker and that you know how to contact them at all times
4. Support you to maintain contact with friends and Family who you want to see
5. Recognise your achievements and important events in your life

### You will know we have done this because

1. You will have had the chance to try the different activities you talk about at your LAC Review
2. We will treat you in the way you want us to
3. You will be able to recognise yourself in reports that are written about you



## You support me when I need it

### We will:

1. Be consistent in the things we do for you
2. Make sure you have a school to go to and which will help you do well.
3. Work with your school to help you make progress and catch up if you fall behind
4. Do our best not to move you out of a school you are happy in
5. Make sure you have someone you choose to talk to
6. Work with you to make sure you have all the information you need to make choices about education and work

### You will know we have done this because

1. You will have a small number of people involved in your care
2. You will not move when you are settled and happy
3. You will leave school knowing where you are going to next
4. You will know what your choices are and how to make good decisions.

## What will happen for me?

1. I will have had the chance to express my views on issues related to looked after children in Herefordshire and will know I have been listened to
2. My talents (academic, sporting or creative) will have been celebrated – at school or outside
3. I will have taken part in a public event – either sports, dance, concert or visual arts
4. I will have taken part in a play, musical or reading that involves either acting, speaking or helping with the productions
5. I will have been on an educational visit or overnight stay
6. I will have the opportunity to help others through voluntary activities
7. I will have been to an artistic or sporting event at a major venue
8. I will have the opportunity to learn about and understand other cultures and faiths
9. I will have planned, delivered and evaluated a project from beginning to end
10. I will have experienced cutting-edge science and technology







<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Questions From Members Of The Public</b>
<b>REPORT BY:</b>	<b>Governance Manager</b>

## Wards Affected

County-wide

## Purpose

To receive any questions from members of the public deposited more than eight clear working days before the meeting of Council.

## Introduction and Background

- 1 Members of the public may ask one question of a Cabinet Member or Committee or other Chairmen at any meeting of Council, subject to the exceptions in the paragraph below. Written answers will be circulated to Members, the press and public prior to the start of the Council meeting. Questions subject to a Freedom of Information request will be dealt with under that separate process.
- 2 No questions from the public will be considered at the Annual Meeting of Council which Council has agreed will concentrate on the civic and ceremonial role of the Annual Council meeting. No questions from the public will be considered at the Budget (February) meeting of Council except on those items listed on the agenda.
- 3 Standing Order 4.1.14.4 of the Constitution states that: a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday eight clear working days before the day of the meeting (ie the Monday of the week preceding the Council meeting where that meeting is on a Friday). Each question must give the name and address of the questioner and must name the person to whom it is to be put.
- 4 A questioner who has submitted a written question may also put **one** brief supplementary question without notice to the person (if s/he is present at the meeting) who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds for rejecting written questions (as set out in paragraph 3.5 below), or if the question is too lengthy, is in multiple parts or takes the form of a speech. In any event, any person asking a supplementary question will be permitted only **1 minute** to do so.

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Further information on the subject of this report is available from  
Governance Services on Tel (01432) 260659

- 5 A question may be rejected if it:
- Is not about a matter for which the Council has a responsibility or which affects the County or a part of it;
  - Is illegal, scurrilous, defamatory, frivolous or offensive or otherwise out of order;
  - Is substantially the same as or similar to a question which has been put at a meeting of the Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;
  - Requires the disclosure of confidential or exempt information;
  - Relates to a planning or licensing application;
  - Relates to an employment matter that should more properly be dealt with through the Council's human resources processes.
- 6 There will be a time limit of a maximum of 30 minutes for public questions and of 30 minutes for Members' questions. There will normally be no extension of time, unless the Chairman decides that there are reasonable grounds to allow such an extension, and questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question.

#### **QUESTIONS**

- 7 Eight questions have been received and accepted by the deadline and are attached at Appendix 1.

### **Background Papers**

- None

**PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

**Question from Mr M Sandaver, Herefordshire**

Question 1

**Road repairs**

*Why are the roads in such an appalling condition and repairs not carried out?*

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**Question from Mr M Watson, Herefordshire**

Question 2

**Hereford United Football Club**

*Can Herefordshire Council confirm that the officers and any external agents acting and negotiating on behalf of the Council with Hereford United FC have used their best endeavours to protect the public interest in respect of the assets in the matter of Hereford United FC?*

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**Question from Mr W Morrell, Herefordshire**

Question 3

**Hereford United Football Club**

*Can Herefordshire Council confirm that the development agreement covering the Edgar Street football ground and associated facilities entered into by the Council and the Club specifically excludes any party from employing external consultants delivering unnecessary services and incurring unwarranted costs thereby failing to secure best value for the public interest and that the Council have secured the right and obligation to approve or dismiss these imported costs?*

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**PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014****Question from Mr A Munsley, Herefordshire**

Question 4

**Hereford United Football Club**

*Can Herefordshire Council confirm that the officers and any external agents acting and negotiating on behalf of the Council with Hereford United FC have used their best endeavours to protect the public interest in respect of the assets in the matter of Hereford United FC?*

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**Question from Mr C Morris, Leominster**

Question 5

**Hereford United Football Club**

*Can the council comment on the seeming habit of discussing vital community issues such as the freehold of the Edgar Street Leases in un-minuted meetings with out of town businessmen, and will the council commit to minuting all future meetings on these subjects?*

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**Question from Mrs E Morawiecka, Breinton**

Question 6

**5 Year Housing Land Supply**

*Herefordshire Council planning officers repeatedly state at Planning Committee meetings that Herefordshire has no 5 year housing land supply, despite the fact Herefordshire Council is looking to submit a sound Core Strategy to the Planning Inspectorate within the next few months, having spent well over £4million on developing this local plan. Since November 2013 the calculations have been promised, with the latest comment by the Director for Economy, Communities and Corporate (General Overview & Scrutiny meeting 6th January 2014) stating that a planning inquiry would inform the position on the 5 year housing land supply in Herefordshire and it was minuted at the time that "a further written response would be given to Dr. Williams (of CPRE), along with the calculations used". As officers have recently understated one parish council's planning permissions since 2011 by 400%, would the Cabinet member please provide the 5 year housing land supply calculations as promised to Dr. Williams, including the exact breakdown of planning permissions granted since 2011, by ward?*

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**PUBLIC QUESTIONS TO COUNCIL – 26 SEPTEMBER 2014**

**Question from Ms P Mitchell, Hereford**

Question 7

**Progressing the Southern Link Road through the Planning System**

*What steps are required for the Council to secure planning permission for the Southern Link Road and what is the projected timetable for taking them?*

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**Question from Mrs V Wegg-Prosser, Breinton**

Question 8

**South Wye Transport Package**

*Regarding the congestion on roads coming in to Hereford from the South, and South West, if there is evidence to show that the A49 is 'at capacity', (Cabinet Minutes, July 2014), why is there a recommendation in the South Wye Transport Package proposals to ensure that all Heavy Goods Vehicles use this same A49 into Hereford, rather than the A465?*





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Notices Of Motion Under Standing Orders</b>
<b>REPORT BY:</b>	<b>Governance Manager</b>

## Wards Affected

County-wide

## Purpose

To consider Notices of Motion.

## Introduction and Background

- 1 The Constitution provides that Members of Council can submit written notice of motions for debate at Council. A motion must be signed by at least one Member and submitted not later than midday on the seventh working day before the date of the Meeting.
- 2 Motions must be about matters for which the Council has a responsibility or which affect the area.
- 3 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of three, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Motions exceeding three are not listed on the Agenda and will be held over for listing on the Agenda for the next meeting in the order they were received.
- 4 A maximum of 1 ½ hours will be allocated for dealing with notices of motion but that time may be extended at the discretion of the Chairman.
- 5 Where a critical local situation arises a motion signed by two Members may be permitted in addition to the maximum of three if accepted by the Chairman in consultation with the Monitoring Officer.
- 6 Five notices of motion have been received. The first three received are set out below. The other two have been held over for the next Council meeting in accordance with the Constitution.

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Further information on the subject of this report is available from  
Governance Services on Tel (01432) 260239

## **NOTICE OF MOTION ONE –Rotherwas Rail Link**

(Submitted by Councillor RI Matthews (seconded by Councillor J Hardwick)

Herefordshire Independents believe that a far more forward looking approach to our infrastructure policies is required by this authority. This particularly applies to our utilisation of rail transport. The efficient movement of people and goods with the minimum environmental impact is an essential element to support the growth of our economy and vital to encourage new businesses onto the Enterprise Zone.

To help to sustain progress, we believe that some clear objectives should be set out to help to clarify our proposals:

- 1 To reinstate the rail link into Rotherwas.
- 2 To construct a new passenger station at Rotherwas together with a park and ride scheme.
- 3 To include a rail freight facility for existing and potential businesses in the Rotherwas Industrial Estate and Enterprise areas.

Therefore:

**This Council resolves that the executive take urgent and positive action, by working with the appropriate rail authorities and other interested bodies, to produce a development plan to deliver these improvements. This plan and an associated funding proposal should be placed before the council at the earliest opportunity so that it can be progressed through the Local Enterprise Partnership and government funding routes with the minimum of delay.**

## **NOTICE OF MOTION TWO – Fairer Funding for Schools**

(Submitted by Councillor JW Millar seconded by Councillor AW Johnson)

For 2014/15 Herefordshire has been allocated only £1.5m of capital school maintenance funding, 27<sup>th</sup> lowest out of the 152 authority allocations from a total funding pot of £553m; it has not been allocated any funding from the £820m targeted basic need capital programme, or from the Priority School Building Programme.

Therefore:

**This council resolves to press government for fairer funding for Herefordshire schools.**

## **NOTICE OF MOTION THREE – Hospital Car Parking**

(Submitted by Councillor GJ Powell seconded by Councillor KS Guthrie)

**This council requests that the NHS patient, visitor and staff car parking principles as published by the government on 23rd August 2014 (see link below) be applied in Herefordshire.**

<https://www.gov.uk/government/publications/nhs-patient-visitor-and-staff-car-parking-principles/nhs-patient-visitor-and-staff-car-parking-principles>

<https://www.gov.uk/government/publications/nhs-patient-visitor-and-staff-car-parking-principles/nhs-patient-visitor-and-staff-car-parking-principles>

## **Background Papers**

- None





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Local Transport Plan</b>
<b>REPORT BY:</b>	<b>Cabinet Member For Infrastructure.</b>

## Classification

Open

## Key Decision

This is not an executive decision

## Wards Affected

County-wide

## Purpose

To approve extension of the current Local Transport Plan (LTP) until after the council's Core Strategy is adopted, or to 31 March 2016, whichever is the earlier.

## Recommendation

**THAT: the current Local Transport Plan (2013/14 – 14/15) time period be extended until after the Core Strategy is adopted, or to 31 March 2016, whichever is the earlier, to enable a refreshed Local Transport Plan to reflect the adopted Core Strategy.**

## Alternative Options

- 1 To not extend the current LTP beyond March 2015. This alternative is not recommended because it is a requirement of the relevant provisions of the Transport Act 2000 (as amended) that the Council maintains a current LTP.
- 2 To adopt a revised LTP in advance of adoption of the Core Strategy. This alternative is not recommended because it would pre-empt the outcome of the Core Strategy adoption process and could result in the transport policy being inconsistent with the land use policy.

## Reasons for Recommendations

- 3 To ensure the Council complies with the statutory requirement to adopt and maintain an LTP and to avoid the premature adoption of a refreshed LTP ahead of adoption of the Core Strategy.

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Further information on the subject of this report is available from  
Jeremy Callard, Team Leader (Transport Strategy) on Tel (01432) 383437

- 4 The LTP forms part of the Council's budget and policy framework and therefore extending the existing LTP pending refresh is a decision reserved to Council.

## **Key Considerations**

### **Background**

- 5 The current LTP (see appendices 1 and 2), which is a statutory requirement and which sets out how the council will deliver transport improvements and maintain its transport assets, ends on the 31 March 2015. The LTP needs updating to ensure it is consistent with our land use policies, which are contained in the Core Strategy. As the Core Strategy is not due to be adopted until late 2015 we need to extend the current LTP until such a time that the LDF is adopted. We also need to prepare the next LTP ready for adoption after the Core Strategy is adopted.
- 6 The advantages of this approach are that the Council will conform to our legal requirements, it allows the refresh of the LTP to take account of any changes in the Core Strategy and it allows that refreshed plan to reflect the outcomes of the Highways Agency route study process.

### **Developing the next Local Transport Plan**

- 7 Whilst it is proposed to extend the time period for the present LTP, the programme of work will continue to thoroughly review this plan and publish an on-line draft version to help inform the final document.
- 8 The programme for consultation, development and adoption (post adoption of the Core Strategy) of a refreshed strategy, as agreed by Cabinet, is set out for information below showing key milestones.
- 9 The process of developing our next LTP has been progressed alongside the development of the Core Strategy for several years. The two strategies are coordinated and a strategic linkage between them has been maintained such that the next LTP will closely support the growth proposals included within the Core Strategy. This linkage has been further strengthened through the joint review and development of evidence. Key supporting evidence for the Core Strategy, including various studies into the relief road and the recently completed phasing study (Strategic Prioritisation and Hereford Transport Strategy Review) will directly inform the LTP's long term strategy.
- 10 The evidence base for the transport strategy has been developed from a number of studies and consultations. These have also helped shape the development of the Core Strategy including the delivery of the Hereford Enterprise Zone. The studies have addressed a wide range of transport issues including buses, rail, cycling and car parking.
- 11 Work is now underway to refresh the LTP to enable it to be swiftly adopted after the Core Strategy is adopted. Cabinet, at its meeting on 11 September, approved the following timetable to facilitate this.



**Figure 1 Timetable for LTP and LDF adoption.**

Task	2014						2015						2016									
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	
Funding announcements	●																					
Preparation of draft LTP	■	■	■	■																		
LTP consultation including EIA and workshops				■	■	■																
LTP consultation report and LTP review							■	■	■	■												
LTP Cabinet decision and adoption																				■	■	■
LDF Submission			●																			
LDF Examination						■	■	■														
Inspector's LDF Report								■	■													
LDF Adoption											■	■	■									

## Conclusion

- 12 Extending the time period of our current LTP until March 2016 will ensure we:
- Meet our statutory duties by maintaining an LTP; and also that we
  - Adopt a refreshed LTP which supports and does not pre-empt our Core Strategy.

## Community Impact

- 13 LTP3 contains policies and projects which will ensure the Council's transport investments deliver the objectives of the Corporate Plan.

## Equality and Human Rights

- 14 The policies and programmes set out in LTP3 were subject to an Equality Impact Assessment and the outcomes of that assessment informed the current document.

## Financial Implications

- 15 There are no financial implications from extending the current LTP.

## Legal Implications

- 16 Extending the time period of adoption of the present LTP until March 2016, will fulfil the statutory requirements of the Council, as local transport authority, to produce and maintain an LTP under the relevant provisions of the Transport Act 2000 (as amended by the Local Transport Act 2008).

## **Risk Management**

17 By extending the lifetime of LTP we avoid:

- Adopting a refreshed LTP before the Core Strategy is adopted
- Breaching our statutory duties to maintain an LTP

## **Consultees**

18 None at this stage. It is proposed to undertake consultation on a refreshed LTP later this year.

## **Appendices**

Appendix 1 LTP Strategy and Delivery 2013-2015

Appendix 2 LTP Policy 2013-2015

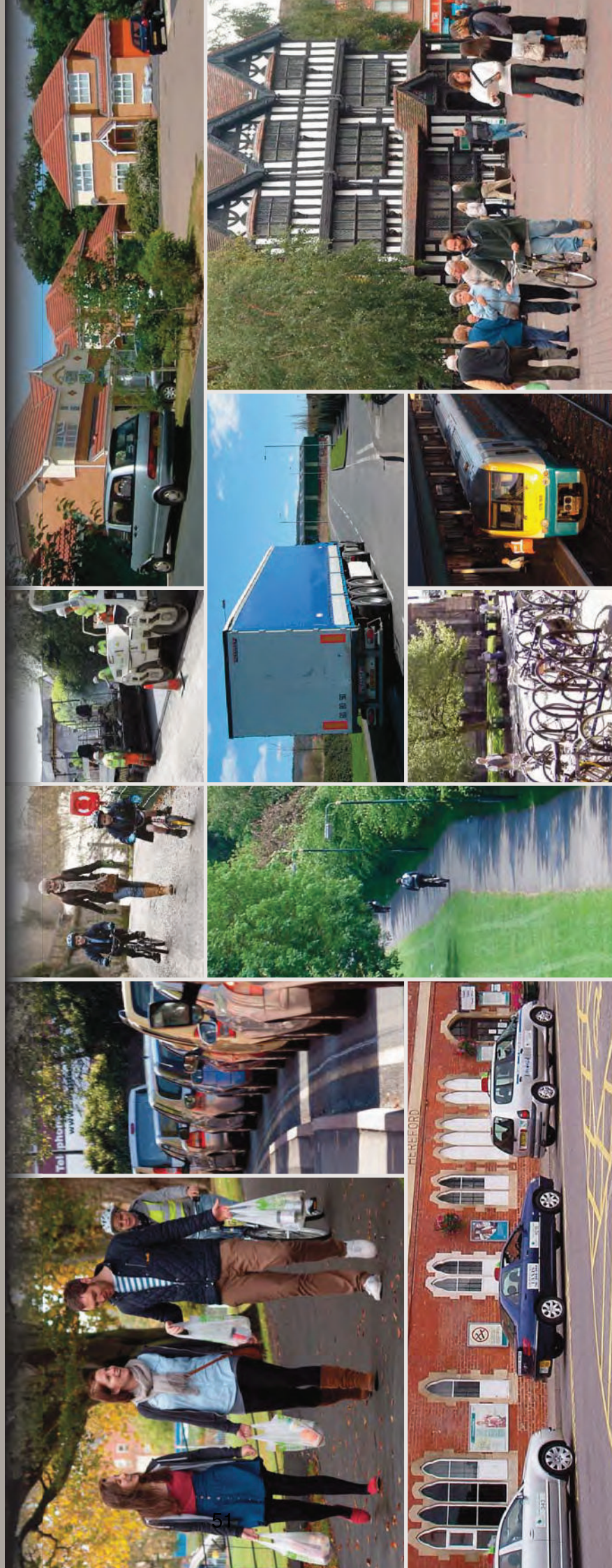
## **Background Papers**

- None

# Herefordshire Council

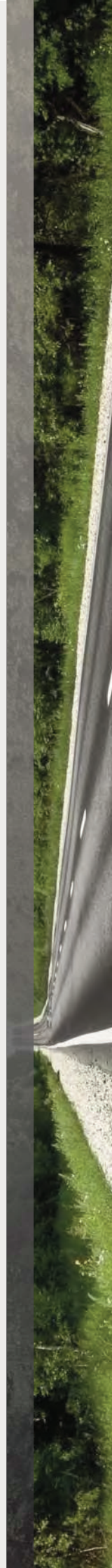
## Local Transport Plan (2013/14 - 2014/15)

### Strategy and Delivery



# Contents

<b>1</b>	<b>Strategy Overview</b> .....	<b>4</b>
1.1	LTP Key Objectives	
1.2	Destination Hereford – Getting the Most Out of a Limited Resource	
1.3	Focus on Delivery	
<b>2</b>	<b>Transport Plan for Hereford</b> .....	<b>6</b>
2.1	Historic Core	
2.2	Wider Central Area	
2.3	Residential Areas and Urban Fringe	
<b>3</b>	<b>Transport Plan for Rural Areas and Market Towns</b> .....	<b>9</b>
3.1	Maintenance and Road Safety	
3.2	Rural Access and Service Coordination	
3.3	Access by Rail	
<b>4</b>	<b>Developing Longer Term Strategy</b> .....	<b>12</b>
<b>5</b>	<b>Funding Profile and Programme</b> .....	<b>13</b>
<b>6</b>	<b>Key Performance Indicators</b> .....	<b>14</b>



*Transport is vital to the people of Herefordshire. An efficient transport network is essential for the county's economy and will support recovery from the economic downturn. The ability to access services and maintain independence is also important and particularly challenging in a large rural county with an aging population. This local transport plan (LTP) sets out the Council's strategy for supporting both economic growth and social inclusion and details the programme of investment for the period 2013/14 to 2014/15.*

*Recognising these major challenges, the LTP is guided by the following key objectives:*

- To support a cleaner, healthier, more prosperous county; and*
- To maintain connectivity for all and to reduce social isolation for those without access to a car.*



## 1. Strategic Overview

The LTP works alongside other strategic plans such as the emerging Core Strategy which will set out land use proposals for sustainable growth for the next 20 years and the Economic Development Strategy which sets out proposals and approaches to support business growth up to 2016. The Marches Local Enterprise Partnership is also developing its Strategy for Growth and partnership working across the Marches area will become increasingly important in sharing resources and attracting inward investment over the next decade.

### 1.1. LTP Key Objectives

#### • Reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car. We aim to:

- Reduce short distance car based trips transferring as many as possible to less polluting and healthier modes such as walking and cycling,
- Reduce the impact of car access in the historic core through traffic management and sign de-cluttering;
- Support the regeneration of the central area by facilitating city centre expansion, ensuring integration with the existing shopping area; and
- Support the successful investment in jobs at the Rotherwas Enterprise Zone by ensuring that its expansion can be accommodated within highway network constraints.

#### • Maintaining access for rural residents and people without access to a car. We aim to:

- Ensure that the County's extensive highway network remains fit for purpose and safe for the travelling public;
- Review passenger transport services to ensure that we can continue to provide access for those most in need; and
- Provide alternatives for longer distance commuters so that they can also reduce their car use and adopt healthier lifestyles.

### 1.2. Destination Hereford – Getting the Most Out of a Limited Resource

Whilst we will be investing in a range of infrastructure improvements during 2013/14 to 2014/15 we acknowledge that we need to optimise how we use the network and get the most out of the capacity it can provide. This means people adapting their travel behaviour. The Destination Hereford programme will run throughout this period providing high quality, tailored information to travellers, complementing the investment in infrastructure and helping manage how we can get the maximum benefit out of our network.

We know that many people are interested in changing how they travel for a variety of reasons: beating congestion; reducing costs of running a car; improving their health; or concerns about the environment. The Council is fully committed to supporting people in making these changes providing advice and resources for residents, businesses and schools and is leading by example through its own workplace travel plan and approach to flexible working. Whilst the programme focusses on travel into Hereford many of the initiatives will support longer distance travellers such as our countywide programme of park and share sites and promotion of the public transport network.

Types of support provided by the programme include:

- Tailored travel information for residents to help them reduce their car use
- Free cycle training for children and adults – we know that many people lack confidence in taking up cycling
- Funding for businesses and schools to provide cycle storage, changing facilities – relatively small adaptations at workplaces and schools can help people change how they travel
- Working with parishes and other local communities to develop free park and share sites for longer distance commuters – we want to reduce the cars trying to access the centre of Hereford and this community led approach is relatively cheap but very effective
- Working with health providers to support people with health problems and people receiving health checks back into active lifestyles – many people are motivated to make lifestyle changes to improve their health
- Supporting cycle hire in Hereford so that visitors and people without a bike can enjoy the city by bike

### 1.3. Focus on Delivery

Whilst austerity measures and the need to make year on year savings presents a major challenge for all local authorities, the Council has secured or helped secure funding of around £70M to support this strategy over the next two years.

Funding sources comprise local transport grant, local sustainable transport fund, developer contributions, pinch point funding, revenue funds and the Council's own capital programme. In addition to these sources of funding, the Council will also seek to play a central role in the emerging Marches Local Transport Body which will take over responsibility for the devolved major transport scheme programme.



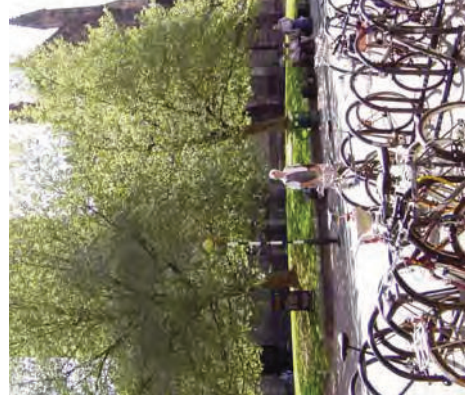
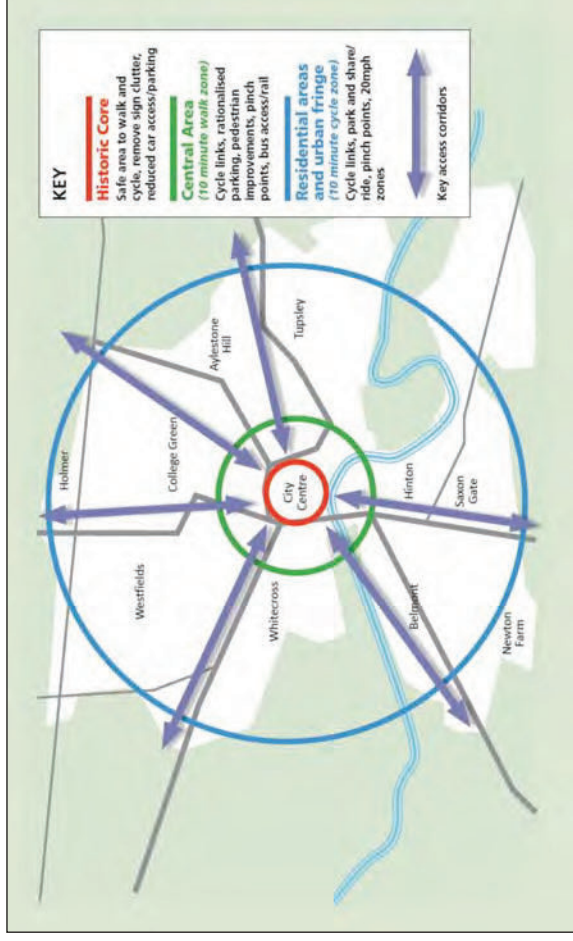
## 2. Transport Plan for Hereford

At the heart of the County, Hereford City provides the biggest concentration of housing, jobs and shops. This role will be further enhanced through the proposals for sustainable growth set out in the emerging Core Strategy. Supporting the growth of the City is critical not just in terms of recovery but to work towards longer term aspirations to attract and retain young families with more affordable housing and to grow the economy. Ensuring free flowing traffic and efficient access for workers, businesses, visitors and shoppers is key to achieving this wider aspiration.

**The proposals for Hereford City are informed by the following factors:**

- Around a third of car journeys in the morning and afternoon peaks (when congestion occurs) are less than 5km – a short distance which can be easily cycled in 20 minutes or less;
- Much of the A49 is an air quality management area, illustrating the pollution problems relating to traffic in the city;
- Some of the city's wards exhibit the highest incidents of obesity in the County and are above the national average;
- The expansion of Hereford shopping area will complement the historic central area attracting more people into the city; and
- Hereford will remain an important destination for rural residents, longer distance commuters and commercial traffic and traffic improvements are required in advance of longer term schemes such as the relief road.

The transport improvements in Hereford City are designed to reduce the number of short distance trips made by car and to reduce the overall impact of car use in the central area. The diagram below helps illustrate the basic principles. The whole urban area (enclosed in the 10 minute cycle zone) carries 30-40,000 vehicle trips each morning and afternoon – a third of these are entirely within the 10 minute cycle zone. Many of the vehicle trips into the centre (along the key access corridors) involve further circulation around the inner ring road as traffic seeks to access specific destinations including office parking, schools and public car parks. In addition, some of this is through traffic which currently has no realistic alternative other than to travel through the centre of Hereford.





## 2.1. Delivery – The Historic Core

Hereford central area and the historic core (within the ring road) is a special environment where pedestrians must have top priority. We want to encourage more access into this area, the County's primary shopping location, whilst reducing access by car and the impacts of traffic. How will we do this?

### Schemes for 2013/14 to 2014/15:

- Introduce an area wide 20mph scheme, focusing on the gateways into the historic core so that drivers appreciate the priority for pedestrians and cyclists
- Develop comprehensive cycle access and provision in one way streets – tying into a wider network of cycle routes throughout the city and supporting cycling
- Remove redundant/duplicative signage and introduce coherent and uniform tourism/visitor signing
- Upgrading Newmarket Street to ensure safe and convenient pedestrian access between the new development and the historic core so that visitors will come to enjoy the whole city centre
- In the longer term (after 2014/15):
  - Reducing parking particularly for commuters through redevelopment
  - Introducing on street parking charges are other forms of management to further reduce traffic in the centre
  - Public realm enhancements to improve the overall quality of the environment

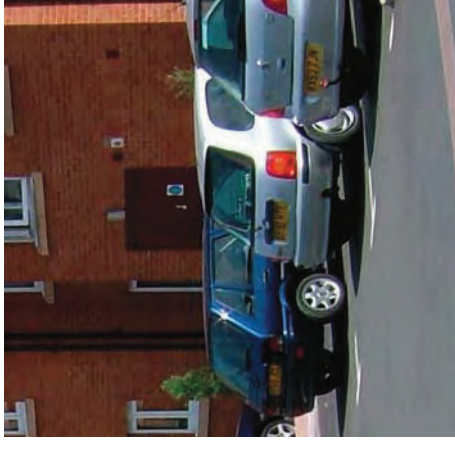
## 2.2. Delivery - The wider central area

The wider central area (within the 10 minute walk zone on the diagram) provides us with further opportunities to influence travel behaviour. This is the area in which the majority of publicly available parking spaces are located. We want to consolidate parking so that we can manage its use more effectively and encourage commuters to park further from the central area, utilising parking closest to the radial road along which they enter the city. This will reduce traffic overloading at a number of the

junctions in the centre of the city where congestion is most pronounced. In the short term we have identified some junction improvements which will ease traffic flows at 3 congested junctions in the city. Within this area we also need to address barriers to walking and cycling trips, which result from the relatively high volumes of traffic on the A49 trunk road and other radial routes which converge on the inner ring road.

This wider central area also includes important public transport facilities such as the rail station and country bus station.

It is likely that closer integration between rail and bus services will be delivered through the implementation of the city link road, which will open up the rail forecourt for redevelopment. However, much needed access improvements are due to be implemented at the rail station in the next two years.



### Schemes for 2013/14 to 2014/15:

- Potential relocation of parking with the disposal of Merton Meadow car park – this is dependent on the urban village housing development progressing
- Improve walking and cycle access and overcoming barriers at King Street, Edgar Street, Barton Road and St Owen Street
- Traffic improvement measures at Edgar Street roundabout, Asda roundabout and Starting Gate roundabout
- Construct the city centre link road providing access to the urban village development and supporting city centre affordable housing and opportunities to improve access to the rail station and integration with bus services
- Provision of lifts at Hereford Rail Station, providing fully accessible platforms

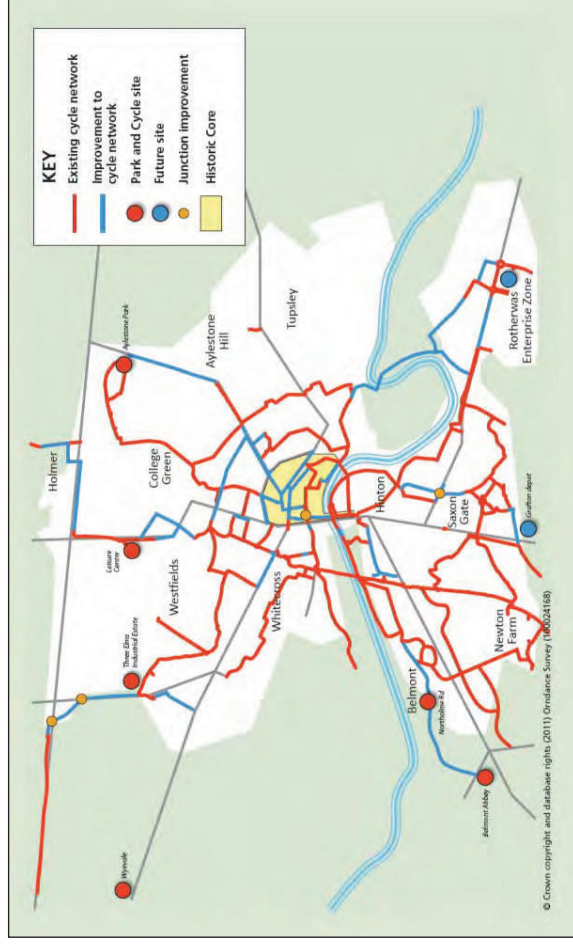
### 2.3. Delivery – Residential Areas/Urban Fringe

The residential areas and urban fringe (within a 10 minute cycle ride of the city centre) are where most people live in Hereford and a lot of people work and attend schools, colleges and hospitals. It includes the arterial 'A' roads, which converge on the city centre and carry large volumes of commuting and commercial traffic but also provides local access for pedestrians, cyclists and public transport. Our strategy for our residential areas is to put in place measures that will give people more confidence to walk and cycle rather than use the car for short distance journeys.

#### Schemes for 2013/14 to 2014/15:

- Utilising the additional funding secured through the Local Sustainable Transport Fund and developer contributions we will deliver a comprehensive programme of cycle schemes and pedestrian improvements to provide better connectivity for local residents. These are identified on the plan below.
- Construct the Connect 2 scheme and new river crossing which will provide direct access to Rotherwas, supporting the investment in jobs in the Enterprise Zone.
- To assist longer distance commuters coming into Hereford we will expand our range of park and share/cycle sites, connecting up with the cycle network and also linked in to local bus services.
- Implement further 20mph schemes in residential areas, to encourage walking and cycling.

### Extending the walking and cycling network in Hereford



### 3. Transport Plan for Rural Herefordshire and the Market Towns

Rural Herefordshire is characterised by a very low population density and an extensive road network. For most people the car is and will remain the main mode of transport, and road freight has a fundamental role in our economy, so maintaining the quality and safety of our road network is vitally important to ensure connectivity and reduce the risk of accidents. However, with an increasing elderly population, families on low incomes and young people without their own transport many people are reliant on public transport and other transport services to access education, work, shopping and health care. We are particularly aware that transport services are vital in helping elderly people and people with disabilities to remain independent and that this is very important for their wellbeing and helps reduce overall costs of healthcare.

Our resources to maintain the network and deliver public transport are stretched and this is further compounded by current funding pressures.

In this context our plan for rural Herefordshire and market towns focuses on the key priorities of network maintenance and safety and accessibility for the most vulnerable. This plan also acknowledges the emerging Core Strategy proposals which will support limited development in over a hundred rural settlements, helping sustain rural communities and support rural services.

#### 3.1. Delivery – Maintenance and Road Safety

Herefordshire has an exceptional track record in reducing the most serious road traffic casualties over the past decade. This has been achieved through a combination of targeted safety improvements, based on an intelligent analysis of accident locations, education and training and integration of safety improvement measures within standard maintenance works. We have reviewed rural speed limits and are designing a more streamlined process for implementing changes which will be rolled out across the County over the next two years.

#### Schemes and initiatives for 2013/14 to 2014/15:

- Deliver over 20 safety improvement schemes
- Provide targeted road safety information to school children, young drivers and older drivers
- Work with the Safer Roads Partnership to deliver targeted speed enforcement and support speed awareness training for those caught speeding
- Implement 100 speed limit changes and regulation orders
- Support Speed Indicator Device programme in villages

Maintaining the overall network to a high standard will be a challenge – our capital allocations have reduced over the past 5 years and revenue funding is under severe pressure. It is critical in this context that we invest the available funding in the most effective way we can. This will mean focussing more of our efforts on preventative maintenance and shifting the balance away from reactive works. This shift in approach will not affect our standards for treating the most serious defects promptly so that safety will be maintained. We are also exploring opportunities to secure investment through the re-procurement of the highways services contract.

We already have a well established parish lengthman scheme which provides resource and support to local communities to deliver some highways services locally. This is a rewarding approach which has seen local communities take control over issues such as local gritting in severe weather, clearing drainage to help reduce flooding problems and verge clearance to improve safety at junctions. We want to develop local delivery of schemes further and will work with local communities to assess what other highways services can be delivered more effectively by local people.

#### Schemes for 2013/14 to 2014/15:

Treatment	Target
Patching	71 km
Surface Dressing	45 km
Resurfacing	13.5 km
Footway Reconstruction	12 km
Additional Funding	16 km



### 3.2. Delivery – Rural Access and Service Coordination

We have carried out a number of consultations about the future role of the public transport network in the County. It has been clear from the variety of responses that people value the service and wish to see transport services retained. In the consultation on the LTP autumn 2012 there was support for the retention of a 'core network' of bus services which focus on journeys between Hereford and the market towns along main transport corridors with larger rural settlements. People acknowledged that bus services are difficult to sustain in the more sparsely populated areas outside of this core network and that the Council should explore opportunities around connecting services and community led services. This view was echoed in the Your Community Your Say consultation autumn 2012.

In view of this feedback we have widened the review to incorporate the full range of services supported by the Council:

- Local buses
- Community transport
- Home to school transport
- Special educational needs transport
- Adult social care transport

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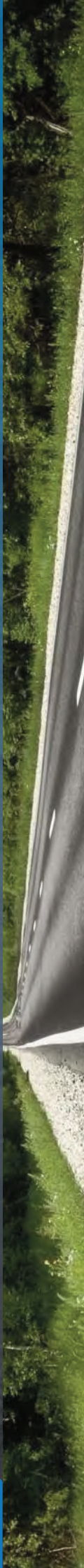
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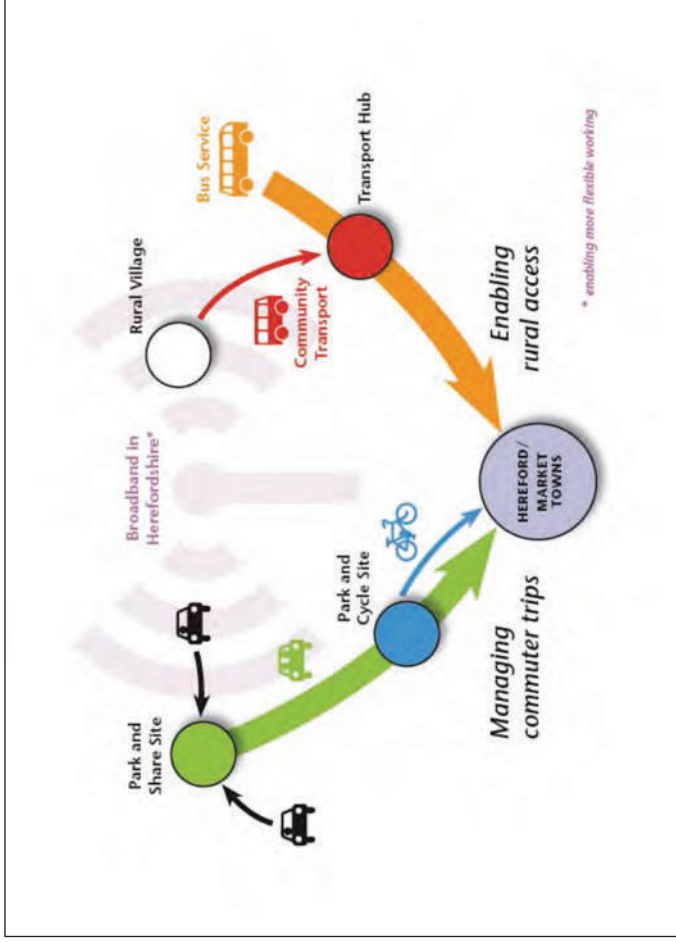
In view of this feedback we have widened the review to incorporate the full range of services supported by the Council:

- Local buses
- Community transport
- Home to school transport
- Special educational needs transport
- Adult social care transport

In addition to the review of passenger transport services we will also be developing rural access improvements around rural hubs and park and share sites. We are developing a network of locations where car drivers or connecting transport services (such as community transport) can meet other drivers to car share or transfer to other modes such as bus, cycling or rail. Typically, these locations will provide free parking and where possible will be located in rural settlements or businesses increasing opportunity to help sustain the rural economy. For users, this initiative can deliver a number of benefits:

- Reduce costs of parking at the eventual destination and reduce petrol costs on the shared part of the journey
- Provide access to the bus/rail network for those who are not within walking distance of a bus stop/rail station (OAPs and disabled people would then be able to complete their journey for free using their bus pass)
- Enabling rural commuters to incorporate cycling/walking into their trip and avoiding congestion (relates to park and share on the outskirts of Hereford and market towns)
- Free up time for parents and others who might normally drive friends and family all the way to a destination. Similarly, could enable community transport drivers to provide more journeys in rural areas if they make shorter trips to hubs rather longer distance door to door journeys.





### 3.3. Supporting Access by Rail

Whilst our approach to maintaining access for the rural community focuses on the highway network, we appreciate the limited but important role that rail travel plays in the County. Rail services provide good access to Hereford from Leominster and Ledbury (and Colwall) and support longer distance commuting and school/college trips into and out of the County.

Significant investment went into Leominster Station in 2012 with the provision of lifts to provide full access to both platforms and similar provision is planned for Hereford Station in 2013/14. Investment is also planned to upgrade signalling between Newport and Shrewsbury and this will bring additional capacity at Hereford Station, helping to reduce cancellations on trains between Hereford and Ledbury.

We were keen to assess the costs and benefits of proposals to provide rail access in to Rotherwas and completed a study in early 2013 in consultation with Network Rail (NR) and Arriva Trains. The study concluded that the construction costs of the scheme would be over £10M and more significantly an on going subsidy of over £10 for every journey would be required to fund a regular service. This would not represent good value for money, particularly in the context of severe pressures on rural bus services. However, following further discussion with NR it has emerged that there might be potential to increase parking at Leominster Station and this would support park and ride for longer distance commuters travelling in to Hereford. We will explore this opportunity in partnership with NR during the LTP period with a view to increasing parking subject to demonstrating sufficient demand and securing funding contributions.

Outside of infrastructure improvements, the Council continues to lobby for basic service improvements including greater capacity on rail services on the Wales and Borders line. The ability to influence current services is very limited as a result of the current franchise agreements with DfT and Welsh Assembly Government. The Council will fully engage in re-franchising opportunities to secure further service improvements for the County.

#### Schemes and initiatives for 2013/14 to 2014/15:

- Develop rural transport hubs and park and share sites, working with local communities to promote car sharing, connecting services and park and cycle/walk
- Implement review of passenger transport services, including public consultation
- Work with local communities to develop community led transport services
- Introduce new services from September 2014
- Work with network rail and train operating companies to explore opportunities to increase park and ride at Leominster Station
- Continue to lobby Arriva Trains Wales for increased capacity on Wales and Border services and engage in re-franchising consultation as they arise.

## 4. Developing longer term strategy

This LTP is firmly focussed on delivering transport improvements for the period 2013/14 to 2014/15. However, during this period we will be developing a longer term transport strategy for the County in the light of proposals for growth which will be set out in the Core Strategy and other local strategies such as the Local Enterprise Plan's Strategy for Growth.

We will be working closely with local authority partners and the LEP to establish the Marches Local Transport Body (MLTB) which will assume responsibility for the major scheme funding programme. Initial indications are that the MLTB will have an allocation of around £16M to prioritise for the Marches area for the period 2015-19. In working within the MLTB we will seek to secure funding for schemes which will help us deliver our growth and regeneration proposals focused on Hereford and the Rotherwas Enterprise Zone. A number of significant infrastructure projects are already progressing to detailed design and local consultation in support of these strategies including the Belmont Transport Package which will assist the Rotherwas Enterprise Zone, the city link road which will enable regeneration and housing development in the city centre and further development of the Hereford Relief Road and complementary sustainable transport measures which supports the strategic housing proposals for the City and wider county.

We anticipate reviewing this LTP in the light of these emerging strategies and are likely to be consulting on a refreshed LTP in 2015.



## 5. Funding Profile and Programme

The table opposite sets out the indicative capital funding allocations for transport schemes and project development for the period 2013/14 to 2014/15. The overall allocation comprises:

- £19.58M - LTP integrated transport and maintenance grant,
- £2.441M - additional maintenance funding announced in the autumn statement
- £2.109M - remaining LSTF capital grant
- £1.032M - Capital programme (Connect 2 scheme)
- £0.90k - Cycle Safety scheme

The Council also allocates significant revenue funds towards routine and reactive highway maintenance and public transport (including concessionary fares). Typical annual revenue spend on both totals of around £10M. The Council is currently reviewing all revenue budgets in order to manage significant reductions and hence it is not possible to identify indicative revenue budgets for 2013/14 to 2014/15 at the time this LTP was printed.

- \* The Council is finalising costs for the city centre link road and will seek to secure funding from a range of sources including capital programme. Total cost for remainder of project estimated at £22.7M.
- \*\* Additional funds have been secured by the Highways Agency to deliver 3 'pinch point' schemes
- \*\*\* Developer funding will pay for the upgrading of Newmarket Street and access improvements on Edgar Street
- \*\*\*\* Network Rail has secured Access for All funds to provide new lifts at Hereford Station. Additional expenditure is allocated for signal upgrading through the County on the Manchester/Cardiff line.

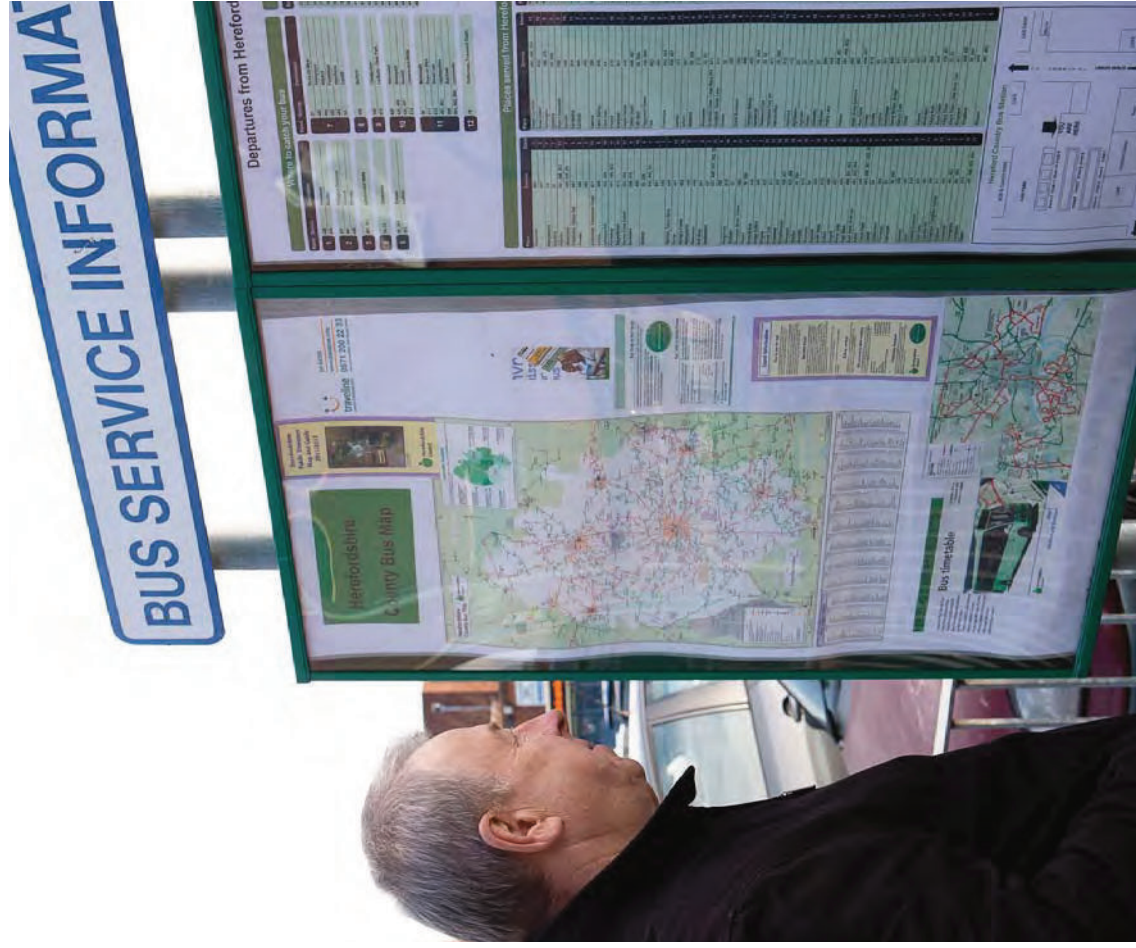
**Table 1** Indicative Capital Allocations £000's

Delivery	Scheme	2013/14	2014/15
Hereford Transport Plan	Edgar Street Link Road*	TBD	TBD
	A49 junction improvements**	-	-
	Newmarket Street/Edgar Street Pedestrian Scheme***	-	-
	Rail lifts and signal upgrading ****	-	-
	Holme Lacy Traffic Management Scheme	0	200
	Hereford Cycle Schemes (inc Connect 2) inc. signage	2,227	1,104
	Hereford Pedestrian Schemes	30	30
	Hereford 20mph zones and street de-cluttering	63	115
	Hereford bus passenger facilities	30	50
	Hereford Transport Review	0	80
Rural Herefordshire & Market Towns Plan	Park and Share	10	10
	Rural Cycle schemes inc. signage	60	60
	Rural Pedestrian Schemes	40	40
	Safer Routes to Schools & 20mph zones	60	70
	Rural Residential 20mph zones	20	40
	Public Rights of Way	20	20
	Rural bus passenger facilities	150	100
Rural Transport Review	0	80	
Transport Safety	Minor Highway Safety Improvements	250	250
	Speed Management and SIDs	95	95
Highways Maintenance	Highway maintenance (capitalised costs)	9,548	8,405
	Rights of Way Improvement Plan	25	25
	Bridgeworks	900	900
Other	LTP Monitoring	25	25
<b>Total Indicative Allocations</b>		<b>13,553</b>	<b>11,699</b>

## 6. Key Performance Indicators

Key performance indicators which will help us assess the progress we are making with the LTP are:

Performance Indicator	Aim	Target by 2014/15
People killed or seriously injured on the highway network	Reduce numbers of people killed or seriously injured from base line number of 119.	Less than 85 KSI casualties
Highway Condition - Principal Road	Improve condition of principal road network	5% of network needing treatment from 9%.
Countywide passenger transport use (bus and rail)	Increase in bus users	1.3% increase to 4,700 passenger journeys
Average weekday car flows on highways accessing Hereford city centre (peak periods 07:00 to 09:00 & 16:00 to 18:00)	Reduction in car journeys to city centre.	3% reduction to 28,200 car trips
Reduce NOx $\mu\text{g}/\text{m}^3$ in Hereford AQMA	Improve air quality	5% reduction to 46.9 $\mu\text{g}/\text{m}^3$
Number of weekday cycle journeys in Hereford	Increase in cycling	6% increase to 3,600 journeys







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# Herefordshire Council

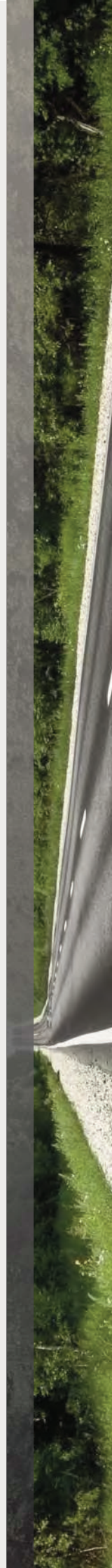
## Local Transport Plan (2013/14 - 2014/15)

### Policy



# Contents

Introduction .....	3
Asset Management .....	5
Road Safety .....	11
Speed Management .....	14
Passenger Transport .....	17
Highway Network Development .....	24
Car Parking .....	26
Freight .....	28
Active Travel (walking and cycling) .....	29
Streetscape Management .....	31
Smarter Travel Choices .....	33
Development Control (Transport) .....	37
Public Rights of Way .....	40
Air Quality and Noise .....	41
Zero and Low Emission Vehicles .....	42



## Introduction

The purpose of our Local Transport Plan (LTP) is to ensure the council has a clear plan for investment in the transport network to support economic growth, encourage healthier lifestyles, maintain connectivity, maintain the safety of our transport network and improve the quality of our roads and other transport assets.

This LTP Policy Statement document details our policies to support the delivery of our transport plans identified in our LTP. They will be reviewed periodically to ensure they remain relevant and fit-for-purpose.

The LTP has two main focuses:

- Reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car. We aim to:
  - Reduce short distance car based trips transferring as many as possible to less polluting and healthier modes such as walking and cycling,
  - Reduce the impact of car access in the historic core through traffic management and sign de-cluttering,
  - Support the regeneration of the central area by facilitating city centre expansion, ensuring integration with the existing shopping area; and
  - Support the successful investment in jobs at the Rotherwas Enterprise Zone by ensuring that its expansion can be accommodated within highway network constraints.
- Maintaining access for rural residents and people without access to a car. We aim to:
  - Ensure that the County's extensive highway network remains fit for purpose and safe for the travelling public;
  - Review passenger transport services to ensure that we can continue to provide access for those most in need; and
  - Provide alternatives for longer distance commuters so that they can also reduce their car use and adopt healthier lifestyles.

Where recurring congestion is an issue we will use our Network Capacity Management Hierarchy to address the problem.

- Step 1 - Demand Management - Use smarter choices to promote alternatives to solo car use. For more information see our Health and Wellbeing Travel Strategy.
- Step 2 - Network Management - Specific local congestion issues which can often be improved through improvement, monitoring or enforcement of highway restrictions. See Policy LTP HNZ.
- Step 3 - Targeted engineering improvements – Engineering improvements at specific junctions to improve their operational capacity.
- Step 4 - Road Widening - Widening the existing highway thereby increasing the capacity of individual highway links.
- Step 5 – New Road Building - Construction of new road links.



## LTP Objectives

Table 1 identifies the links between our LTP themes and objectives.

Theme	Objectives
<b>Passenger Transport</b>	<ul style="list-style-type: none"> <li>• Maximise accessibility and connectivity within Herefordshire by increasing awareness of all travel options available especially for those without access to a private car; and</li> <li>• Increase efficiency of passenger transport through greater coordination of services.</li> </ul>
<b>Walking and Cycling</b>	<ul style="list-style-type: none"> <li>• Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;</li> <li>• Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents;</li> <li>• Encourage sustainable travel choices by reducing the safety risks associated with their use; and</li> <li>• Improve Herefordshire's streetscape for residents, shoppers and visitors.</li> </ul>
<b>Transport Safety</b>	<ul style="list-style-type: none"> <li>• Reduce the number and severity of accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving; and</li> <li>• Provide a transport network that is safe and efficient and that provides a positive journey experience</li> </ul>
<b>Highway Network Development</b>	<ul style="list-style-type: none"> <li>• Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;</li> <li>• Ensure access to housing and employment sites including the Rotherwas Enterprise Zone;</li> <li>• Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise; and</li> <li>• Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes.</li> </ul>
<b>Highways Maintenance</b>	<ul style="list-style-type: none"> <li>• Protect Herefordshire's transport network from extreme weather; and</li> <li>• Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage and street furniture and sustain their condition.</li> </ul>

Our LTP contains two delivery plans:

- **Hereford Transport Plan**, which includes Hereford City and its adjacent rural area including the Rotherwas Enterprise Zone and the villages of Clehonger, Hampton Bishop, Lugwardine and Withington;
- **Rural Herefordshire and Market Towns Transport Plan**, which includes the market towns of Bromyard, Kington, Ledbury, Leominster, Ross-on-Wye and the villages and rural areas not covered by the Hereford Transport Strategy.

### This policy statement contributes towards the delivery of the following LTP Objectives

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Provide a road network that is safe and efficient and that provides a positive journey experience;
- Protect Herefordshire's highway network from extreme weather; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestone, signage and street furniture and sustain their condition.

Asset Management covers the following assets:

- Roads with associated verges and drains
- Public Rights of Way
- Bridges and other structures
- Streetlights
- Drainage gullies and highway drainage systems
- Traffic signal sets including Urban Traffic Management Control (UTMC) equipment
- Pedestrian crossings
- Road signs
- Road markings
- Safety fences
- Trees
- Footways and cycleways
- Park and Ride facilities (once developed)
- Bus stops

This policy statement sets out our policies to ensure, through sound asset management, the safety, availability, reliability and long-term integrity of our public highway network. The public highway consists of any verge, footway, cycleway, carriageway, bridleway or footpath over which the public has a right of way. We will take every opportunity to increase the wider benefits of highway asset maintenance by integrating improvements and the core maintenance activity.

In line with best practise we are working towards ensuring that our highway assets are valued along the same lines as commercial assets and that the disciplines of replacement value and depreciation are applied. Consequently the management, maintenance, renewal and replacement of our transport assets must be subject to prioritisation based on sound asset management practices, planning our actions, focusing resources and measuring the impact of what we do.

Asset management facilitates better decision-making by supporting engineering judgement with financial, economic and engineering analysis. It helps us to better understand and manage the relationship between whole life cost and performance and provides the evidence base for our investment decisions.

### Policy LTP AM1 Accounting and Managing the Value of our Transport Assets

In line with Government policy, we will adopt a set of accounting and management principles which will ensure that the value, depreciation and investment of the transport assets are effectively managed.

## Cost-Effective Asset Management

Resource constraints make it essential that we direct resources towards the highest priorities and the most effective ways to address these.

We will undertake highway surveys each year to measure various elements of highway condition. This includes a SCANNER survey, which measures the road condition, cracking, rutting, and other deformation, and a SCRIM survey which measures the texture of the road and the likelihood of vehicles skidding in wet weather.

We also analyse results from the annual Highways and Transportation Public Satisfaction Survey, the Highway Safety Inspection Survey and the views of parish councils and locality areas.

The data produced by these surveys is analysed by engineers to identify the work required to maintain the highway.

### Policy LTP AM2 Cost-Effective Asset Management

We are moving to a system of planned interventions designed to preserve, maintain and enhance our transport assets, combined with the use of a whole-life cost/benefit approach to determine the most effective approach to delivery based on:

- The collection and analysis of good-quality, timely information on the condition, function and past record of all assets.
- Timely intervention to correct defects before they cause more fundamental problems
- Research into more effective asset management approaches
- Being clear on service levels across the network and at each locality, matching asset condition to need.





## Delivering effective maintenance

### Policy LTP AM3 Deliver effective maintenance

We will deliver effective maintenance across the different asset categories:

- Maintain each asset class in the light of their function, characteristics, opportunities and risks:
- Carriageways (including Byways Open to All Traffic (BOATS) but not unbound byways). Maintenance of carriageways will be planned and implemented according to the function of the road, information on its condition and the likely usage.
- Road markings and studs which are a key element of the efficient and safe operation of the highway. Following a comprehensive survey and review in 2009, the system of identifying problems has been improved, and we will build upon this as we improve the system of proactive and preventative maintenance.
- Vehicle safety fences which mitigate risks posed to highway users by hazards or to protect assets from damage. Covers reactive maintenance (e.g. vehicle strikes) as well as routine and preventive maintenance and improvements as part of wider maintenance schemes.
- Traffic calming, primarily to reduce the adverse effects of traffic around schools and in urban areas. Inspected, managed and maintained as part of the general inspection process.
- Structures, including bridges and structures which impinge in any way within the footprint of the highway or which affect the support of the highway or adjacent land. As well as the structures themselves, there are key components with finite lives such as bridge bearings. Regular inspection and maintenance is critically important.

- Footways and cycle routes. These are segregated facilities, excluding on-carriageway cycle lanes (part of the carriageway and associated assets) and footpaths as detailed in the Rights of Way Improvement Plan (ROWIP). Although the primary purpose of these assets may be used by pedestrians and cyclists, categorisation, inspection and maintenance processes must take into account other uses, including vehicular access to premises.
- Highway drainage, including the drainage of the highway itself and the drainage of land or premises onto or adjacent to the highway. This is a critical aspect in terms of safety, serviceability and sustainability. The Land Drainage Act provides specific powers and responsibilities as does the Highways Act, and the Flood and Management Act, which the council is the lead local flood authority.
- Public Rights of Way are detailed in the Public Rights of Way Improvement Plan
- Lighting and illuminated signs, with specific emphasis on the role in community and road safety and the potential to make significant energy, whole-life cost and environmental improvements.
- Traffic signals and signalised crossings, with significant emphasis on maximising safety and capacity.
- Bus stops and shelters. A process of inspecting and rating shelters according to condition has been recently introduced.
- Soft estate and highway trees. Soft estate consists of verges and boundaries to the highway. We will ensure that these areas and all highway trees are actively and effectively managed.

## Maintaining a safe efficient highway network

We will focus resources through the use of a clearly defined roads hierarchy (based on the different classes of road) combined with information on network condition. This will enable us to meet the expectations of our communities, businesses and road users on different classes of road, providing Herefordshire with a reliable and safe highway network.

Hierarchy Description	Type of Road General Description	Detailed Description
<b>Strategic Route</b>	Principal 'A' roads between Primary Destination.	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
<b>Main Distributor</b>	Major Urban Network and Inter-Primary Links. Short - medium distance traffic (A and B Class).	Routes between Strategic Routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.
<b>Secondary Distributor</b>	Classified road (B and C class) and unclassified urban bus routes carrying local traffic with frontage access and frequent junctions.	In rural areas these roads link the larger villages and HGV generators to the Strategic and Main Distributor Network. In built up areas these roads have 30mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On street parking is generally unrestricted except for safety reasons.
<b>Link Road</b>	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions.	In rural areas these roads link the smaller villages to the distributor roads. They are capable of varying width and not always capable of carrying two-way traffic. In urban areas they are residential or industrial interconnecting roads with 30mph speed limits, random pedestrian movements and uncontrolled parking.
<b>Local Access Road</b>	Roads serving limited numbers of properties carrying only access traffic.	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often unsuitable for HGV. In urban areas they are often residential loop roads or cul de sac.
<b>Rural Access Lanes</b>	Partially unmetalled roads serving occasional rural properties and providing access to the countryside carrying only access traffic.	



#### **Policy LTP AM4 Maintaining a safe, efficient highway network**

We will maintain a safe, efficient highway by:

- Ensuring that the prioritisation of maintenance works on carriageways and associated assets is based on the road function as set out in the roads hierarchy.
- Using the Skid Resistance Policy to manage the risk of wet-road skidding.
- Using effective inspection and information management to target resources.
- Undertaking winter maintenance in line with the winter service plan for carriageways, footways and cycleways.
- Managing drainage to keep surface water from the carriageway.
- Maintaining and where necessary strengthening bridges and structures to ensure that they meet their functional requirements.
- Providing and maintaining street, footway and cycleway lighting and illuminated signage.
- Maintaining and improving traffic signals and signage to improve highway capacity, road safety and to meet the accessibility requirements of our communities.

#### **Reducing our Environmental Impact and Responding to Climate Change**

Highway maintenance requires significant natural resource, including energy. It also generates large amounts of waste and can affect heritage sites and the natural environment. We will work to reduce the negative impact of these activities and, where possible, support environmental enhancements. In addition, climate change is likely to bring about new demands in terms of more extreme weather events, more intense rainfall, snowfall and landslides.

#### **Policy LTP AM5 Reducing our Environmental Impact and Responding to Climate Change**

Whenever possible, we will adopt practices which reduce demands for natural resources and which minimise negative local environmental impacts. We will also take advantage of any suitable opportunity to deliver environmental improvements as part of our maintenance activities. We will also adapt our maintenance planning to take account of the likely impacts of climate change.

This will include:

- Use early interventions, such as surface dressing, to preserve assets and avoid having to take more resource-intensive intervention.
- Use recycled materials where possible to reduce resource and energy demands.
- Dispose of waste with regard to environmental impacts and the potential to enable environmental improvements.
- Investigate new and innovative approaches to maintenance.
- Reduce the energy consumption of street lighting, illuminated signs and traffic signals through the use of LED technology and appropriate ‘trimming and dimming’ approaches.
- Actively review the resilience of our assets and networks in the light of climate change and adjust the maintenance regimes to meet these challenges.
- Ensure that the needs of sustainable travel modes are given sufficient priority to help encourage their use.
- Consider the potential for environmental improvements to be linked to our maintenance activities.

### Managing Changing Demand, including new developments

Demand on the highway network is not static. New developments can change the volumes and types of vehicle using a section of route or junction significantly. We will be mindful of planned developments to ensure that we can meet such changes in demand.

Where developments significantly alter the nature of an area and it requires the use of different maintenance materials and techniques, we will require developers to pay a commuted sum towards the maintenance of these items. Where appropriate, Section 278 and Section 38 Agreements will include the provision for commuted sums towards the maintenance of such items.



### Policy LTP AM6 Managing Changing Demand, including new developments

Whenever possible, we will be mindful that our maintenance planning acknowledges planned developments to ensure that we can maintain the highway network to an acceptable standard where it meets future demand originating from changes in highway use.

This will be achieved by:

- Working with spatial planners, developers and communities on appropriate approaches to materials and their on-going maintenance requirements, including the adoption of enhanced standards
- Requirement for commuted sums will be assessed for each site prior to the drafting of Section 278 and Section 38 Agreements
- Consulting with and engage local communities and businesses to better understand their requirements
- Publishing the forward maintenance programme and consult with other agencies and communities to enable additional funds to be sourced to bring about further enhancements alongside planned maintenance activities
- Preparing 'packages' of schemes which incorporate maintenance elements alongside other components in order to deliver network capacity, safety and environmental improvements

### This policy statement contributes towards the delivery of the following LTP Objectives

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving;
- Provide a road network that is safe and efficient and that provides a positive journey experience; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage and street furniture and sustain their condition.

We will continue to use a combination of education, enforcement and engineering approaches. We will focus particularly on the following, taking into account national guidance but focusing on specific local issues:

- Tackling all incidences of killed or seriously injured casualties on the county road network including:
  - Reducing risk amongst young and older drivers
  - Continued reduction in child casualties
  - Reducing pedestrian and cyclist casualties
  - Reducing motorcyclist casualties
- Tackling illegal and inappropriate speeds
- Targeting poor road user behaviour such as drink and drug drivers
- Tailoring treatments to address localised issues

### Minor Safety Improvements

Maintaining the county's highway asset is a key determinant for a safe highway network. There are a number of improvements that can be made to road environments to reduce the risk of accidents or the severity of accidents if collisions occur. The close working relationship and shared delivery teams programme between highway maintenance and minor safety improvements ensures the road network is of high quality and schemes are delivered in a cost effective manner. A variety of methods are used to identify areas of the network requiring attention and treatment. These include:

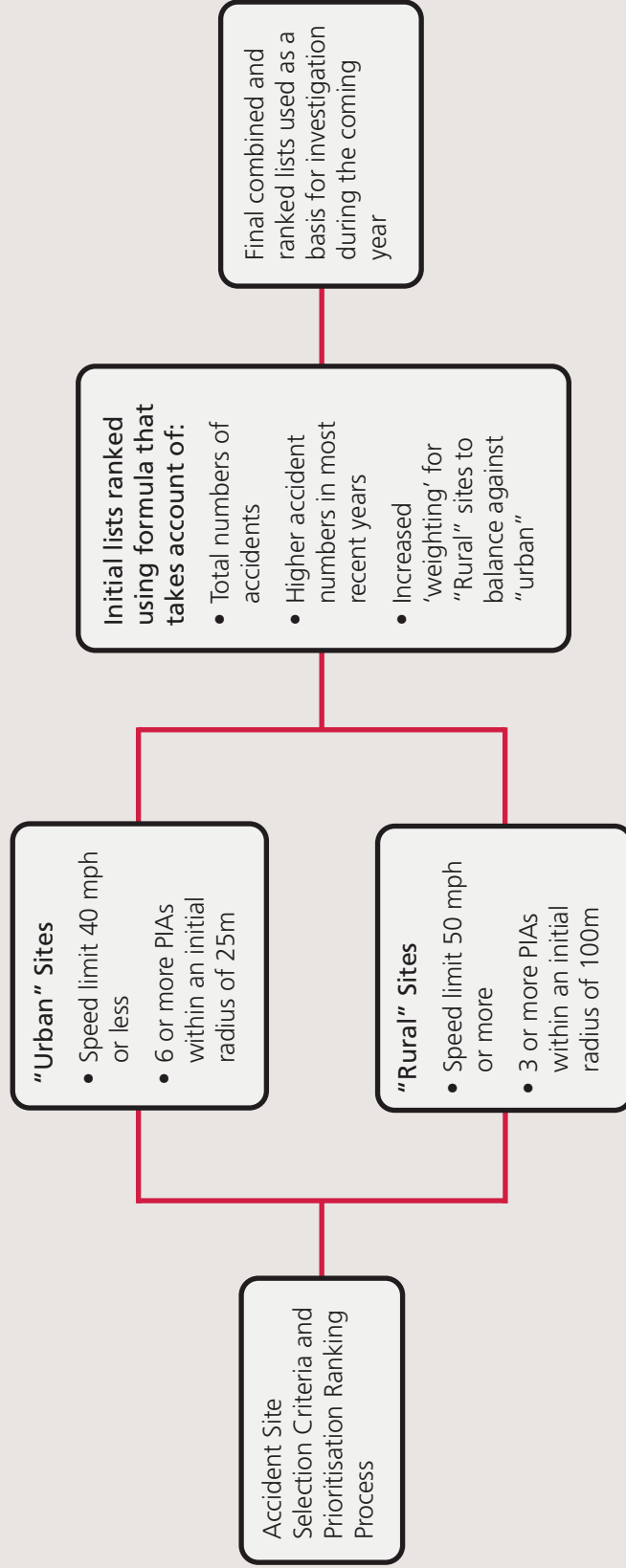
- Cluster Site Identification
- Route Investigations
- Mass Action Treatments
- Safety Audits



## Policy LTP RS1 – Minor Safety Improvements

We will analyse our KeyACCIDENT database to identify the geographical areas or routes with the highest levels of personal injury collisions, undertake detailed collision site/route investigations to identify specific areas of concern as well as establish solutions at these sites and implement cost effective safety improvements on a prioritised basis using our scheme prioritisation process.

### Accident Site Selection Criteria and Prioritisation Ranking Process



## Education, training and publicity

We recognise the importance of raising awareness of behaviour that can increase risk. Activities to raise awareness are generally low cost and provide good value for money having the combined benefit of increasing road user confidence as well as helping to reduce the risk of accident and injury. Education and training for walking and cycling, and targeted campaigns and events particularly with school pupils, assists in expanding road safety knowledge, reducing fear, and encourages more active travel.



## Policy LTP RS2 – Road Safety Education, Training and Publicity

We will work in partnership with schools and emergency service providers to deliver road safety education, training and publicity activities. Activities will include:

- Providing three levels of 'Bikeability' cycle training to primary and secondary school level pupils as well as adults.
- Undertaking road safety presentations to pre-school children and parents to help them understand the importance of pedestrian safety and in-car safety measures.
- Distributing road safety packs at schools to parents of all children who are starting school for the first time and provide all primary schools the opportunity to join the road safety officers' scheme.
- Contacting each school within the county and when requested carry out road safety presentations including pedestrian and cycle safety.
- Undertaking and supporting targeted road safety events at schools across the county including 'Crucial Crew' events with Year 6 pupils.
- Targeted road safety campaigns linking with national and regional initiatives, focusing on tackling high risk minority road user behaviours including drink driving and drug use.
- Managing the School Crossing Patrols service.
- Providing pedestrian road safety training with Year 3 pupils.
- Providing 'Pass Plus' and Older Driver Refresher training programmes, where budget is available, to provide further road safety training to improve driver's skills.
- Assistance for schools and parents to set up 'walking buses' as a means of encouraging sustainable travel to school and also as an alternative in rural areas where School Crossing patrols are not justified.

### This policy statement contributes towards the delivery of the following LTP Objectives

- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving; and
- Provide a road network that is safe and efficient and that provides a positive journey experience

In 2010 we undertook a review of speed limits on all A and B class roads throughout the County. This was in the context of a Department for Transport (DfT) request that highway authorities review the suitability of all the prevailing speed limits along the entire length of all of their A and B class roads. This encompassed all 60 mph national speed limits and all 70 mph national speed limits on dual carriageways. Our review was carried out in accordance with the DfT Circular 01/2006 Setting Local Speed Limits.

In setting speed limits in urban areas, the DfT guidance retains a standard speed limit of 30mph. 40mph speed limits may be considered on higher quality suburban roads or those on the outskirts of urban areas where certain other criteria are met. In areas where there is a risk to vulnerable road users, 20 mph limits and 20 mph zones will be considered.

In exceptional circumstances 50 mph speed limits may be considered where certain criteria are met. Similar approaches have been taken within the DfT guidance on rural roads and in villages. Clearly some flexibility is required in defining a village. DfT guidance requires that a 30mph limit would be set if the village has 20 or more houses on one or both sides of the road; and a minimum length of 600 metres and

an average density of at least 3 houses per 100 metres. Where a community is less built up, consideration should be given to the presence of key buildings such as a shop, church or school, otherwise a 40mph or 50mph limit may be considered. When villages are less than 600m apart the 30mph limit may be extended to cover both sections.

We are currently reviewing the contents of the latest Department of Transport circular – Setting Local Speed Limits 01/2013 - and the implications for setting speed limits.

### Policy LTP SM 1 – Setting Appropriate Speeds Limits

We will implement the 2010 Speed Limit Review across urban and rural roads and in our village communities. This will involve:

- Publicising widely the rationale for the review, its methodology and overall recommendations.
- Consulting with and actively engaging our communities in implementing the review recommendations, with regard for wider community concerns and aspirations.
- Prioritising the introduction of the review on the basis of evidence, including the use of accident data and identifying the contribution which will be made in each case towards key policies such as the promotion of walking and cycling.
- Implementing the modified limits, or strengthening the emphasis on unchanged limits, according to Traffic Signs Regulations and best practice from the UK and elsewhere.





## Residential 20mph zones

### Policy LTP SM 2 – Residential 20mph Zones

We aim to work with local communities to reduce the default speed limit within residential areas to 20mph.

Changes to speed limits will only occur where there is support from the local community and the occurrence of speeding traffic is evidenced.

### Compliance with Speed Limits

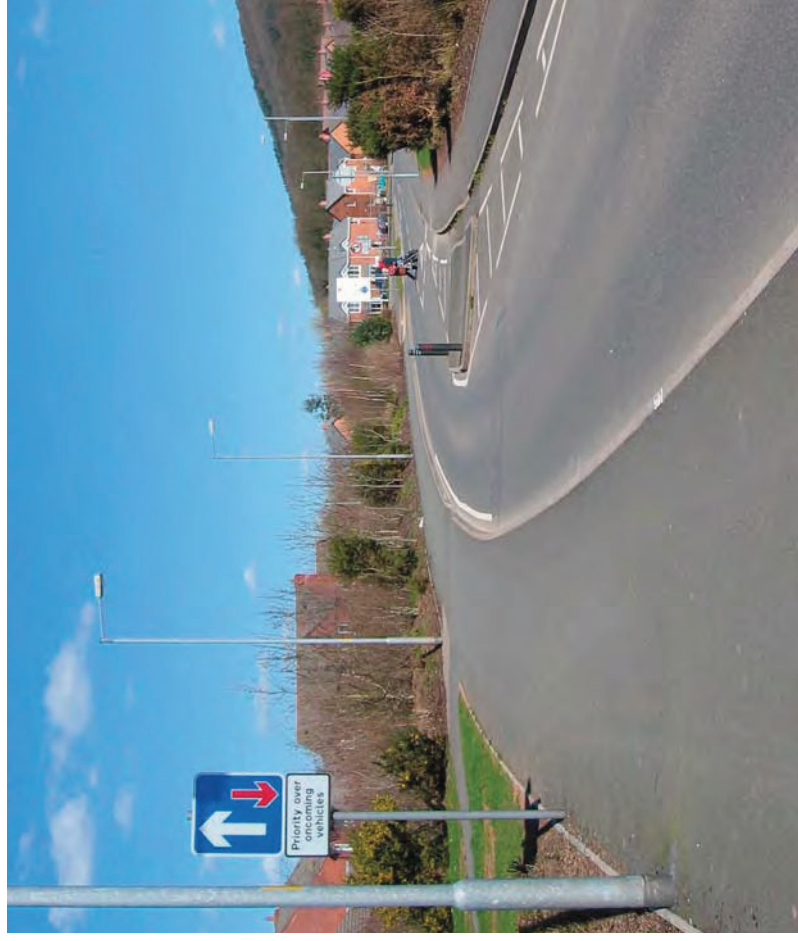
Compliance with speed limits is fundamental in ensuring the safety of both drivers and other road users. However there are a number minority groups and individuals that exceed speed limits and risk endangering not only themselves but other road users.

We currently work in close partnership with the Safer Roads Partnership and local communities to help increase compliance with speed limits through a combination of encouragement and enforcement measures. We will focus efforts on sites where there is a demonstrated problem with speeding and additional priority will be given where there is also a significant accident history.

In order to spread limited resources widely we will prioritise the use of low cost methods to encourage speed limit compliance such as Vehicle Activated signage. The introduction of physical traffic calming itself can be expensive and we therefore anticipate its use to be limited.

The Safer Herefordshire Community Safety consultation in November 2011 highlighted excessive speeding and road safety as high priority issues for local communities in Herefordshire. Where there is public concern over excessive speeds in local communities but where intervention cannot be prioritised based on speed and accident data we will continue to work with local communities through their Parish Council to deploy Speed Indicating Devices (SIDs). These are a low cost and effective way of raising drivers' awareness of their speed.

Where speeding poses significant concern to the community, the Safer Roads Partnership can declare them a community concern site or the local police may provide local speed enforcement. These sites may not have a collision history, but have a significant speeding problem to warrant enforcement before accidents occur. The enforcement involves monitoring speeds through mobile speed enforcement cameras and is an extremely effective method at reducing speeding vehicles.

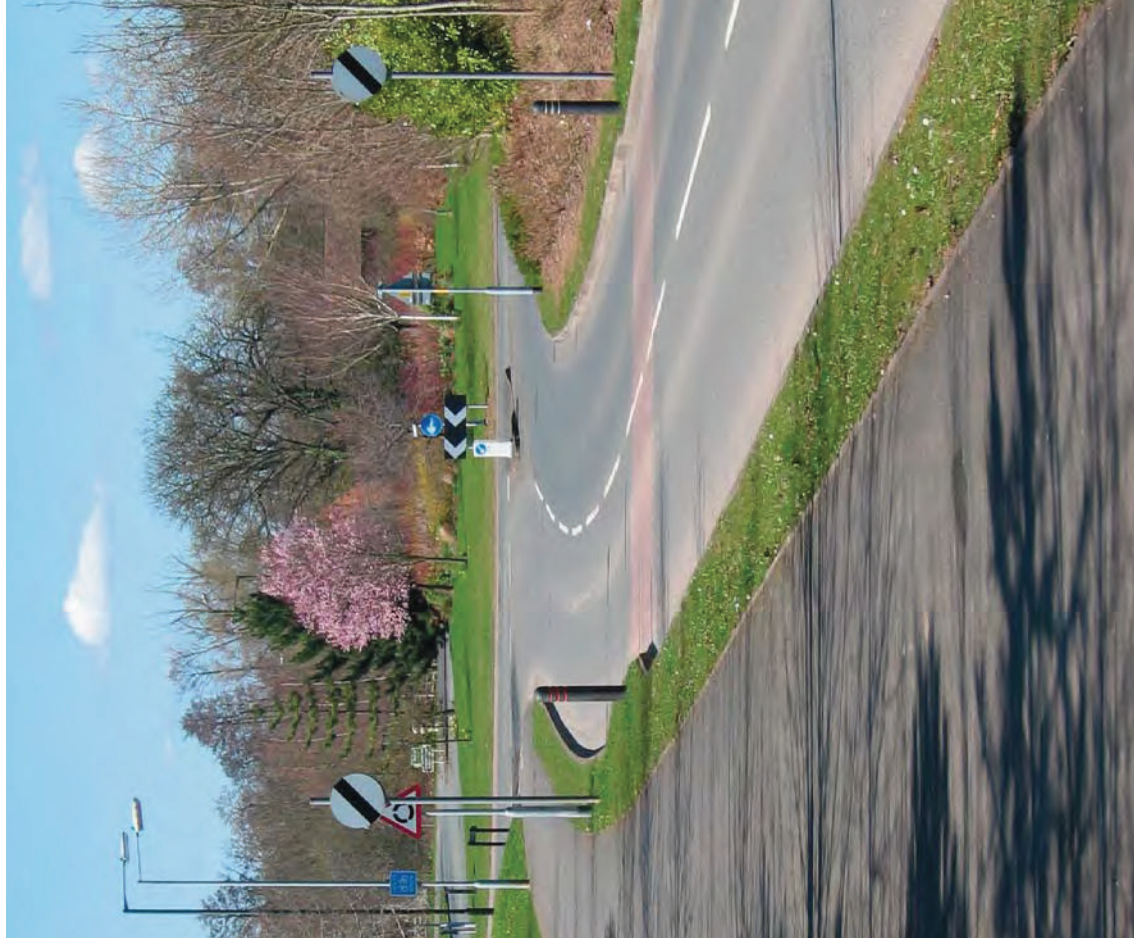


### Policy LTP SM 3 – Speed Limit Compliance

We will work with our partners, local communities and Parish Councils to use a variety of cost effective techniques to encourage and enforce compliance with speed limits through a combination of encouragement and enforcement measures.

This will be achieved through:

- Using clear signage, including vehicle activated signs (SIDS).
- Using fixed and mobile speed cameras where these can contribute towards greater compliance and road safety.
- Integrating sound design and engineering alongside speed limit signage to encourage drivers to recognise and comply with speed limit changes. These may be introduced as part of enhanced routine maintenance activities.
- Working with communities to develop realistic approaches to managing speed, recognising the economic importance of road traffic.
- Considering the use of physical measures such as road humps where these are justified by accident data and have a high degree of community support.
- Continuing with measures such as speed indicator devices where these can be shown to increase community satisfaction.
- Providing driver education, including speed awareness training and young/pre driving training.
- Using shared space and other innovations where appropriate.
- Working with the Safer Roads Partnership and local police teams where engineering solutions can't be delivered or where informal measures have not reduced speeding.



### This policy statement contributes towards the delivery of the following LTP Objectives

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise;
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes;
- Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Improve Herefordshire's streetscape for residents, shoppers and visitors.
- Maximise accessibility and connectivity within Herefordshire by increasing awareness of all travel options available especially for those without access to a private car; and
- Increase efficiency of passenger transport through greater coordination of services.

Passenger transport covers all aspects of transport services delivery that are available for public use where the service is paid for at the point of use.

### Bus Travel

Our core bus network consists of services viewed as essential to the transport network within Herefordshire and are designated route priorities. These operate along the main corridors to ensure connectivity for commuter and social demand between Hereford and the Market Towns and larger village settlements.

In addition to the core bus network we will continue to support other rural bus services which may link into our core bus network at suitable bus stops or rural transport hubs, thus developing a hub and spoke passenger transport model for the county. A hub would provide a high quality waiting facility located in close proximity to local services to minimise any risk associated with their use. Cycle and car parking will also be available in the vicinity to encourage bus use by people who currently do not use public transport.

To maintain the core network we rely on a combination of commercial and supported (subsidised) services. The supported bus network is designed to complement commercially-operated services where these do not provide an adequate level of service. Supported bus services provide the following functions:

- Enhancement of commercial services by the provision of additional journeys that extend the operating day;
- Frequency enhancements of commercial services within the operating day;
- Evening and Sunday services;
- Service provision on routes where no operator is prepared to provide a commercial service; and
- Bespoke services catering for specific journey purposes and tailored to meet the needs of a specific market.

Subsidy is allocated to services on the basis of the relative costs of providing the service and ridership (cost per passenger). A service qualifies for subsidy if the cost per passenger is at or below a standard amount. This standard amount alters in line with budget availability. At the time of writing (2012) the rate is £4 per passenger.



Supported services are provided only where commercial services do not meet the public need. The size and shape of the network has developed over time in response to changing demand and available funding. It will be difficult to sustain the existing level of public transport coverage in rural areas due to the non-commercial viability of operating these services.

#### **Policy LTP PT1 - Supported bus network**

In addition to supporting our core bus network, we will support additional services in order to enhance accessibility, support the economy and encourage modal shift where it is affordable to do so. This will be achieved by:

- Supporting bus services where it is affordable, provides good value for money and delivers clear accessibility or modal shift benefits including providing a reasonable alternative to car travel.
- Supporting bus services in rural areas which would enable residents to access essential services and reduce social isolation. These services may not be provided on a daily basis and may be delivered through a combination of conventional and community transport services.
- Where supported services can no longer be provided we will work with commercial bus operators and community transport schemes to explore the possibility of funding smaller feeder services which would link into the core network at suitable locations.
- Working with local communities and parish councils to develop services which would be funded locally.

To help comply with the Code of Conduct on Bus Service Stability, routine tendering of contracts is restricted to one of two dates each year. Tenders are invited individually, although operators are invited to submit discounted prices for batches of one or more contracts. This procedure allows the authority to benefit from economies of scale and the more efficient operational solutions available from such an approach without restricting competition for contracts.

In a limited number of cases, such as diversions of, or minor extensions to otherwise commercial services, where competitive tendering is not appropriate, advantage is taken of the de-minimis provisions of the Transport Act to negotiate a contract with the commercial operator. The regulations concerning de-minimis agreements allow the Council to spend up to 25% of its public transport budget for bus service support in this way.

The Council invites tenders from operators on either a minimum cost or minimum subsidy basis. This maximises the competition for tenders given that operators have differing approaches to managing risk. Minimum cost contracts give the authority greater control over fares and may be more appropriate in areas where fares set by operators are rising significantly above inflation. The revenue risk, however, lies with the Council and may involve additional cost in ensuring that revenue is correctly collected and allocated. Currently approximately 27% of contracts are let as 'minimum cost'.

Minimum-subsidy contracts offer an incentive to the operator to develop the service as the additional revenue is retained. Such contracts are simpler and cheaper for the Council to administer and the revenue risk lies with the operator. The Council however, has less control over fares. Approximately 73% of current contracts are let in this way.



## Bus fares and ticketing

The cost of using bus travel for paying passengers has increased significantly above general inflation over recent years and is viewed as a barrier to its use. We will work with operators who set the price of travel to look at ways of making bus use more affordable and competitive when compared to the cost of using the car. Increasing the cost of parking for commuters in Hereford has a role in this process.

The English National Concessionary Bus Travel scheme is administered by the Council within Herefordshire. This scheme provides free bus travel for older and disabled people. The Government wants to ensure that bus travel, in particular, remains within the means of those on limited incomes and those who have mobility difficulties. With an aging population the amount of concessionary travel within the county is likely to continue to have impact on budgets unless additional financial support can be provided by central government.

### Policy LTP PT2 – Bus fares and ticketing

We will work with operators and the DfT to maintain the affordability of using and delivering public transport. We will target financial assistance where it is affordable to do so and where there is greatest need. This will be achieved by:

- Administering the English National Concessionary Travel Scheme for older and disabled people.
- Undertaking regular fare reviews.
- Where the fare structure is issued and managed by Herefordshire Council we will set fares with reference to contract costs and commercial fares.
- Working with operators to explore ways of addressing the affordability of public transport for low income groups, including young people and job seekers.
- Exploring the development of multi-operator smartcard ticketing technology with local operators.

## Bus infrastructure improvements

The scale of bus infrastructure improvements range from low cost improvements undertaken at individual bus stops to aid mobility and understanding of service availability, to high-cost bus priority measures designed to provide buses with a competitive advantage over queuing traffic in urban areas.

### Policy LTP PT3 – Bus infrastructure improvements

We will work in partnership with passenger transport operators and Parish Councils to improve the quality of bus infrastructure available to bus users within Herefordshire. This will be achieved by:

- Continuing our programme of low-cost bus stop upgrades in the short term, including improved passenger information, comfort, and delivery of raised kerbs to meet Disability Discrimination Act requirements. This programme will continue to be delivered based on a corridor/route based approach with priority to our core network.
- Working with Parish and Town Councils to improve bus shelters.
- Reducing the age of the fleet by setting quality standards within contract renewals. We aim to ensure all contracted bus services comply with Euro 5 emission standards by 2018
- Undertaking a review of bus infrastructure requirements in the medium to long-term within Hereford to inform our medium to long term investments. This review will consider the value for money case for investing in bus lanes and other priority measures including the Hereford Transport Hub.
- Undertaking a review of rural bus stops to identify potential Rural Transport Hubs and develop a medium to long-term investment programme to upgrade suitable sites.



## Passenger Transport Information

Printed bus timetables are published by Herefordshire Council and will continue to be provided at the majority of bus stops. It is proposed, where feasible, to provide information at all stops to increase awareness of the services available.

Printed rail service timetables are published by Train Operating Companies as part of their franchise agreements, and are displayed at all railway stations in Herefordshire. Unlike the bus operators, all railway companies are required to provide printed timetable leaflets which are available at manned stations.

Where community transport operators provide printed information this is provided by local scheme operators.

The Council's website provides the primary portal for travel information within Herefordshire. The website provides an electronic copy of all printed timetables, guides and maps in addition to information relating to different modes of transport. It is also used to publicise the range of transport-related services provided by the Council.

In response to the growth in demand of social networking sites (Facebook and Twitter) we will expand their use, in line with our corporate communication policies and guidelines. Such sites can be very effective in communicating dynamic travel information including the occurrence of unplanned events causing congestion or updates on the progress of gritting vehicles.

## Policy LTP PT4 – Passenger Transport Information

We will continue to provide and work in partnership with passenger transport operators to disseminate printed passenger transport information to ensure it remains consistent with best practice. This will be achieved by:

- Providing printed timetables where display cases are available at bus stops and bus stations, in partnership with bus operators. We will increase the number of bus stops with display cases.
- Developing a countywide passenger transport timetable booklet and making it available at a minimal cost through a variety of outlets.
- Distributing County Travel Guides, covering the north and south of the county, and Hereford city.
- Work with train operators and voluntary sectors to enhance the availability of passenger timetable information.
- We will continue to work in partnership with passenger transport operators to provide printed passenger transport, walking and cycling information maps and guides to promote sustainable travel choices.
- We will continue to provide multi-modal travel information on the Herefordshire Council transport website. All pages will be periodically reviewed and updated to ensure the information provided remains relevant. We will also enhance the scope of information available to ensure ease of use and promote delivery of the LTP Strategy objectives.
- We will use social networking sites when disseminating dynamic travel information including links with our SCOOT traffic management system in Hereford to relay travel information via Twitter etc.



## Community and Voluntary Transport

Community Transport and Voluntary Transport services exist throughout the county for people who are unable to use other public transport services or who live in areas where no such services are provided. Community Transport is provided by the voluntary sector with funding from Herefordshire Council through Service Level Agreements as well as other funding sources.

Services cater for a wide range of journey purposes including health, work, learning, social and leisure. Health related journeys account for up to 40% of trips, a far higher proportion than on conventional bus services. Currently Community Transport provision is mostly provided during weekday daytimes, although there is limited service available in the evenings and at weekends where necessary.

Herefordshire Council part funds seven different Community Transport schemes:

- Bromyard Community Transport;
- Community Wheels and Hereford Car Scheme (based in Leominster);
- Dore Community Transport;
- Hay and District Dial-A-Ride;
- Hereford Dial-A-Ride;
- Ledbury Ring and Ride; and
- Ross Area Transport.

Several voluntary organisations provide transport as an addition to their core services such as Age UK and the Red Cross.

The future of Community Transport delivery is being considered through a 'Root and Branch' review of passenger transport within Herefordshire. The strategic objectives of the review include:

- Increasing capacity
- Increasing awareness
- Integration with other transport services
- Financial sustainability
- Meeting the needs of all who are eligible

## Policy LTP PT5 – Community and Voluntary Transport

We will work in partnership with Community and Voluntary Transport providers to enable access to essential services for those unable to use public transport either because of incapacity due to ill health or disability, or because public transport is not available.



## Taxis and Private Hire Vehicles

Taxis and Private Hire Vehicles make a valuable contribution to providing transport within the county. These vehicles offer 24 hours a day demand responsive service, which provides a door to door service. Taxis and Private Hire Vehicles also provide a valuable service for public transport interchange, by allowing certain groups access to services they otherwise could not reach. For many cases they provide the only accessible link to long distance transport, for example by rail or air. Taxis and Private Hire Vehicles are also used on a regular basis for social care and education requirements.

The Taxi Licensing and Enforcement Policy have a number of regulations in place which ensure a high quality, safe journey for every passenger. This policy ensures taxi drivers and operators are licensed correctly and therefore carry out their trade in accordance with the relevant regulations. The policy also enables taxi fare tariffs to be set that represent the maximum, rather than an exact fare so as to allow for competition between the taxi companies.

We currently licence 260 taxis, 100 Private Hire Vehicles and 534 dual drivers. Since 2002 no quantity restrictions have been in place. Approximately 30% of the taxi fleet are wheelchair accessible.

Taxis and Private Hire Vehicles are often the only means of accessible local transport available for disabled and elderly people. The DfT recognises the importance of taxi drivers having the relevant training in order to assist disabled passengers appropriately, consequently Herefordshire taxi drivers are required to undertake such training. All Taxis and Private Hire Vehicles also adhere to the Disability Discrimination Act's requirements to carry guide and hearing dogs without any additional charge.

We acknowledge the important role taxis and private hire vehicles have in providing access to shopping, leisure, employment and health services for many members of our community. It is therefore essential that taxi ranks are easily accessible, and located close to amenities. The needs of taxi users must be taken into account when considering proposals for traffic management and access restrictions in town centres and other areas with important amenities. It is also essential that taxis are built into our public transport infrastructure, and have dedicated space allocation to allow interaction with the services they provide.

## Policy LTP PT6 – Taxis and Private Hire Vehicles

We will perform our licencing duty for Hackney Carriages and private hire vehicles to ensure accessibility, safety and passenger comfort. This includes:

- Require by licence conditions that all applications for Hackney Carriages are wheelchair accessible.
- Require through licence conditions that drivers are aware of legislation in respect of carrying disabled passengers and assistance dogs.
- Ensure that wheelchair vehicles are suitably equipped at all times to carry persons whilst remaining seated in their wheelchairs.
- Vehicles will have an annual compliance test and additional MOTs dependent on the age of the vehicle.
- Enforcement will be undertaken to review the condition and appearance of licenced vehicles.
- All drivers of licenced vehicles will have Enhanced DBSs upon application and every three years after.
- All drivers of licenced vehicles will have a Medical Examination to Group 11 standard upon application and every five years after. Upon reaching the age of 65 the requirement is for an annual medical.
- Limiting the age and emission standards of Hackney Carriages and private hire vehicles to ensure passenger safety and minimise environmental impact.





## Rail

Rail has an essential role to play in providing access to local and national centres. Demand for rail use has steadily increased since 2003. The Council is committed to working with the train operating companies and Network Rail to ensure the best possible service is provided within the county. Active participation at the Regional Rail Forum, Marches Rail group and the Cross Border Forum ensures that rail issues for the county are discussed and actions taken to eliminate timetable service gaps.

Rail franchises are managed by the DfT. The dates of the rail franchise renewals which will affect Herefordshire include:

- 2013 Great Western
- 2015 London Midland
- 2018 Arriva Trains Wales



## Policy LTP PT7 – Rail improvements

We will support the DfT and train operating companies in improving the frequency, quality, reliability, comfort and affordability of rail services within Herefordshire.

We would particularly support:

- Joint working on the franchises due for renewal particularly to protect services between Hereford and London via Ledbury.
- Passing bays to increase service reliability and frequency on the Hereford to Malvern line (impacts for Ledbury and Colwall).
- The elimination of timetable service gaps through the delivery of additional services between Abergavenny, Hereford, Leominster and Shrewsbury.
- Improvements in service timetabling to limit inconsistent gaps in service times and develop a regular clock-face timetable.
- Additional rolling stock on services to Birmingham and explore new services accessing Birmingham International Airport.
- Greater provisions for cyclists at stations and on services.
- Access improvements at Hereford and Leominster railway stations by 2014 to ensure both stations are fully accessible and meet requirements under the Disability Discrimination Act 2005.

This policy statement contributes towards the delivery of the following LTP Objectives

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise;
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes;
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving;
- Provide a road network that is safe and efficient and that provides a positive journey experience;
- Protect Herefordshire's highway network from extreme weather; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage and street furniture and sustain their condition.

This policy statement covers improvements to road infrastructure. Herefordshire generally has a highly reliable road network with recurring congestion in Hereford and the A44 Bargates junction in Leominster where journey time reliability is a widely recognised problem.

### Policy LTP HN1 - Network Capacity Management Hierarchy

Where recurring congestion is an issue we will use our Network Capacity Management Hierarchy to address the problem.

#### Step 1 - Demand Management

Use smarter choices to promote alternatives to solo car use. For more information see our Health and Wellbeing Travel Strategy.

#### Step 2 - Network Management

Specific local congestion issues which can often be improved through improvement, monitoring or enforcement of highway restrictions. See Policy LTP HN2.

#### Step 3 - Targeted engineering improvements

Engineering improvements at specific junctions to improve their operational capacity.

#### Step 4 - Road Widening

Widening the existing highway thereby increasing the capacity of individual highway links.

#### Step 5 – New Road Building

Construction of new road links.



### Policy LTP HN2 - Network Management

We will improve the management of the highway network to reduce and prevent recurring congestion. This will be achieved by considering a range of specific local congestion management tools to improve the operation of the highway network. This will be achieved by:

- Using existing and new Traffic Regulation Orders to better target enforcement to prevent parking that restricts traffic flows resulting in unacceptable traffic delays or safety concerns.
- Reviewing the existing hierarchy of priority routes for key modes of travel to ensure the classification, management and maintenance of the local highway network reflect their existing function.
- Developing driver information systems using variable messaging systems and internet based software including information on car parking availability, planned events and the occurrence of congestion that might impact journey time reliability.
- Considering the enforcement of moving traffic offences where it causes congestion or impacts road safety including enforcement of yellow boxes.

### Motorway and Trunk Road Network

Of the 2,072 miles of highway within Herefordshire 56 miles or 3% form part of the Motorway and Trunk Road Network and is managed by the Highways Agency. Routes include the A49(T), A449(T), A40(T) and M50.

#### Policy LTP HN5 - Motorway and Trunk Road Network reliability improvements

We will work in partnership with the Highway's Agency to improve the reliability, safety and efficiency of the Motorway and Trunk Road Network within Herefordshire.

We would particularly support:

- Improved junction capacity on the A49(T) in Hereford to reduce congestion.
- The development of funding and delivery of driver information systems using variable messaging systems including information on car parking availability, planned events and congestion.

### Highway Network Expansion

Where demand and network management measures have been proved to be insufficient to reduce congestion, we will develop engineering solutions to increase capacity on our existing highway network.

To deliver the growth identified for Hereford and in line with our Network Capacity Management Hierarchy, new highway infrastructure is required. The Hereford Relief Road including a second river crossing is vital to Hereford's transport network to provide additional traffic capacity and access to development.



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- Provide a road network that is safe and efficient and that provides a positive journey experience;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents; and
- Improve Herefordshire's streetscape for residents, shoppers and visitors.

The availability and pricing structure of car parking spaces plays a major role in supporting the development of a sustainable and integrated transport system. The availability and price of parking space is a key factor in determining people's choice of mode for a particular journey. Together with improvements in alternative modes to provide the "carrot", strategies for parking supply and control can offer an important tool to manage demand to encourage a modal shift away from the private car towards more sustainable modes.

### Hereford

Car parking will play a key role in supporting the regeneration of the city centre, reducing the impact of commuter traffic and congestion and ensuring access through effective enforcement. Our approach to managing car parking sites will also assist with the Council's aspirations to improve the townscape quality of the city through managed redevelopment of smaller car parks in the historic core and redistribution of public parking to the edge of the central area, close to key transport corridors and the eventual relocation of parking to park and ride sites outside the urban area.



### Policy LTP PS1 – Hereford Parking Policy

We will work in partnership with Hereford City Council, Highways Agency and other stakeholders to continually review the supply and quality of car parking facilities within Hereford. Activities will include:

- Setting of car park charges will be in line with the council's charging principles with long stay parking charges to be increased annually to match those of comparable centres;
- Phased reduction over the period to 2031 of long-stay commuter parking supply within the city centre;
- Park and cycle and park and share facilities to be free to registered users with secure cycle storage provision at park and cycle sites;
- Good quality signing to make more efficient use of parking supply;
- Work in partnership with developers and the Highways Agency to introduce real-time signing to reduce unnecessary car movements within the city centre and reduce driver search times;
- Work in partnership with the Freight Transport Association, Road Haulage Association and local businesses to identify alternative lorry parking following the closure of Merton Meadow;
- Pedestrian access routes connecting public off-street parking with urban centres will be examined for potential environmental improvements to ensure they are safe and pleasant to use;
- Establish the feasibility of installing electric vehicle charging points in selected car parks;
- Review the operation, management and charging of Residents Parking Schemes to ensure residents can park within a reasonable distance of their home and that commuters and short stay users are discouraged from using residential streets;
- Parking allocations for new and re-developments must comply with Herefordshire Council's Highways Design Guide for New Developments

### Countywide

Ensuring adequate parking supply is available to meet demand is fundamental to support the local economy and future growth. The following principles are to be applied:

- There must be adequate parking supply to meet demand in each of the market towns.
- There should be at least 10% spare capacity within each town to efficiently manage parking demand, limit search times and reduce unnecessary car use.
- Long-stay parking arrangements should be located further from the town centres to enable short-stay parking supply is easy accessible and available.

### Policy LTP PS2 – Countywide Parking Policy

We will work in partnership with town and parish councils to manage car parking in Herefordshire.

- Public off-road parking supply should be appropriate to meet demand, accommodate planned growth and be located in convenient locations accessed by main distributor roads to ensure parked vehicles do not obstruct the public highway;
- Good quality signing to be provided to make more efficient use of parking supply;
- Charges will apply for all off-street parking, unless there is a clearly defined economic reason for providing free parking;
- Charges for car parks closer to the centre are set to encourage short stay and a turnover of spaces to support the local economy with longer term parking allocated to car parks further from the centre;
- On-street parking to be free in the Market Towns; and
- On-street parking is controlled by the use of limited waiting restrictions to ensure the efficient turnover of short-stay parking for shoppers and visitors.



## This policy statement contributes towards the delivery of the following LTP Objectives

- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise;
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes;
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- Provide a road network that is safe and efficient and that provides a positive journey experience

Freight transport is an essential part of business, enabling and supporting enterprise and local employment. At a local level freight enables the transport and delivery of goods to businesses, construction sites, retail premises and households. However, freight movement, particularly by road, also gives rise to a range of environmental problems.

Rail freight currently plays only a limited role, notably with the Tarmac quarry in the west of the county making use of a railhead north of Hereford. There is also rail freight traffic running through the county. Consequently the key strategic requirements concern the management of road-based freight movement within Herefordshire as part of our network management duty.

## Policy LTP FR1 - Managing Freight Movements

We will plan for and enable the efficient movement of freight to, from, through and within Herefordshire whilst, where possible, reducing the negative impacts of freight movements on the environment and our communities. This will involve:

- Developing a freight strategy to support the Marches LEP and local businesses which takes account of Herefordshire's connections with the West Midlands and Wales.
- Working with the DfT and neighbouring authorities to ensure that freight routes are clearly identified on signs and maps and that these routes are fed into information portals for access by the freight industry and those served by it.
- Ensuring suitable inspections, maintenance intervals and interventions for those routes and junctions which carry significant freight traffic.
- Investigating and, where appropriate, encouraging the use of rail freight.
- Ensuring that the potential impact of new developments on freight movements are fully identified through the Development Control process including restricting delivery vehicle access to specific times.
- Engaging with local communities affected by freight movements to develop and agree suitable mitigation measures.



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- Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents;
- Encourage sustainable travel choices by reducing the safety risks associated with their use; and
- Improve Herefordshire's streetscape for residents, shoppers and visitors.

Within this LTP Policy Statement the term 'Active Travel' refers to pedestrians and cyclists.

Walking is the most important mode of travel at the local level and offers the greatest potential for replacing car trips of less than one mile. Cycling offers an alternative for short trips of up to five miles. Within this policy statement both modes are to be considered together as they share a range of positive benefits including:

- Reduced congestion, particularly if focused on peak hour trips. At peak times along radial routes in many urban areas, cycling will typically be faster than using a car or bus.
- Improved health through increased physical activity – particularly major chronic diseases such as coronary heart disease, stroke, diabetes and some cancers.
- Low cost accessibility for many groups with or without access to a car.
- No local air pollution or carbon emissions.

### Policy LTP AT1 - Maintaining and extending our active travel infrastructure

We will continue to maintain and improve our active travel infrastructure (footways and cycleways) to reduce any physical barriers by providing a high quality active travel network that is convenient, accessible, comfortable and attractive to use.

This will be achieved by:

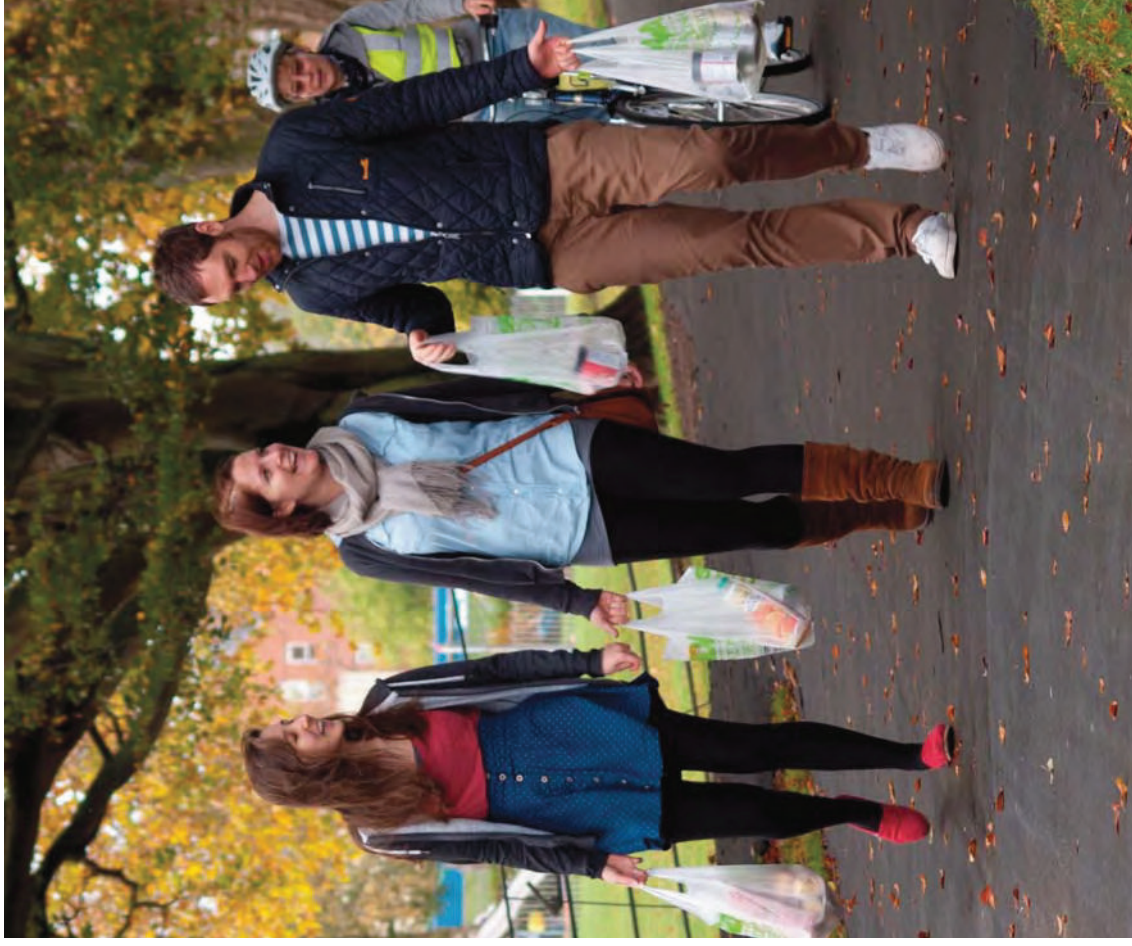
- Minimising the occurrence of defects on active travel routes.
- Investigating changes in Traffic Orders to promote increased cycle use including the development of cycle contra flows in one-way streets.
- Delivering accessible active travel enhancements including dropped kerbs and crossings for non-motorised modes.
- Providing clear and concise active travel signage to raise awareness of safer routes which avoid high volumes of traffic and of the national cycle network. All signage provided must respect the character of the environment where it is used.
- Expand the number of 20mph residential zones in residential areas (see policy LTP SM2)
- Delivering more secure cycle parking spaces or storage at educational establishments, retail centres, public transport interchanges, leisure facilities, workplaces and other major journey attractors where demand requires it.
- Integrating cycle parking with public transport at rural transport hubs to facilitate cycle use as part of longer distance journeys.
- Recognising the needs of active travel users within our winter maintenance programme and ensure that heavily-used off-road routes are gritted.
- Investigating the conversion of disused railway lines and other traffic-free rural routes for active travel, where feasible and where funding is available.



### Policy LTP AT2 - Extending our active travel network in new developments

We will work with developers to prioritise active travel access which is convenient, accessible, comfortable and safe. Consideration to active travel access must be given during the design of new residential and commercial developments and re-development to maximise the potential for active travel. This will be achieved by:

- Designing new developments, including residential, business and retail facilities in ways which prioritise access by walking and cycling and provide access to the existing active travel network.
- Ensuring all active travel schemes designed within new developments are consistent with the guidance provided in Herefordshire Council's Highways Design Guide for New Developments and other relevant guidance.
- Working with developers to ensure that new developments avoid severing routes used by cyclists or pedestrians or prejudice accessibility by walking or cycling. If development proposals do impact on the walking or cycling network then an alternative route must be provided by developers. The quality of alternative routes must be of equal or better quality than the option affected by development without incurring on-going additional revenue costs to Herefordshire Council.
- Protecting and incorporating historic transport routes such as dismantled railways into new designs, where appropriate.
- Encouraging and promoting the provision of green infrastructure, where appropriate, in new and existing developments, to provide enhanced access to natural environments and support ecosystems to improve biodiversity.





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- Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Improve Herefordshire's streetscape for residents, shoppers and visitors.
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving;
- Provide a road network that is safe and efficient and that provides a positive journey experience; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage, and street furniture and sustain their condition.

Herefordshire has many high quality natural and historic assets which instil local pride and supports the county's tourism 'offer'. The Local Transport Plan has a strong role in supporting the county's tourism potential by easing the movement of people around the county, managing the public rights of way network and regenerating Herefordshire's urban streets and public spaces.

This policy statement fully supports the principles outlined in the Hereford Streetscape Design Strategy and the aims of the Hereford City Centre Regeneration Strategy which identify the importance of 'quality' in creating the right impression, using the right materials for public spaces next to new build and renovation schemes.

Our Hereford City Centre Streetscape Vision and Priorities document sets out proposals for investment priorities for the Hereford city centre public realm. The proposals contained in the document, which look further to reduce the dominance of vehicles in the city centre, will provide the basis for on-going development of the city centre public realm strategy.

We also acknowledge the importance of reducing traffic and vehicle speeds in rural villages and combining the principles contained within national public realm guidance documents such as 'Manual for Streets' and 'Traffic in Villages'.



### Policy LTP ST1 – Improving the public realm

We will seek to enhance Herefordshire's public realm in a sensitive and sustainable way which will maximise the convenience and comfort of all travellers increasing footfall and enhancing accessibility. This will be achieved by:

- Design of the public realm to be based on low speed traffic flows reinforced by 20 mph speed limits using the minimum of signage.
- Promoting a barrier-free public realm, allowing free movement for people with limited mobility and, through the avoidance of pedestrian barriers, excessive street furniture and sudden changes in level.
- Designing measures that allow the form and patterns of the city centre to be easily read and understood by pedestrians, cyclists and drivers. This will include navigational and guidance clues for people with visual impairment and infrequent visitors to the city such as coach drivers. Clear gateways and transition points will be encouraged that define the boundaries of the public realm.
- Designing streetscapes as a whole, rather than as a series of separate components. All components of the streetscape, including paving materials, trees and highway signing, will be co-ordinated as far as possible.
- Minimising energy use through the use of durable and locally sourced paving materials. Decisions on the use of materials and components are likely to have enduring effects on the quality of the locality and its public realm. We will seek to avoid measures that require replacement in the short-term, and seek to promote elements that will minimise the long-term costs and maximise long-term benefits.
- Designs should reflect the distinctive qualities of Hereford and the market towns, and avoid repetition of standard solutions applied elsewhere. Wherever possible, design principles will be informed by an understanding of the history, context and particular character of the locality.



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- Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents; and
- Maximise accessibility and connectivity within Herefordshire by increasing awareness of all travel options available especially for those without access to a private car

Smarter travel choices are low cost techniques for influencing people's travel behaviour towards more sustainable options such as walking, cycling and public transport use. Building on best practice from the Department for Transport's Sustainable Travel Towns, we have developed an easily recognisable brand for use in our marketing campaign to promote the use of sustainable transport.

The 'Choose how you move' brand (Figure A) is central to the Destination Hereford project and our wider marketing campaign. We undertake market on the Destination Hereford project and this will inform the future delivery of marketing campaigns in the medium to long term.



Figure A – Choose how you move branding

Best practice suggests that isolated marketing campaigns are generally not successful and campaign messages are soon forgotten. Consistent communication is important to maintain campaign awareness but targeted promotional activity and practical support are critical to encourage and sustain behaviour change.

### Policy LTP SC1 – Smarter Travel Choice Marketing Campaigns and Branding

We will use the 'Choose how you move' branding to coordinate all transport-related marketing and information activities undertaken by Herefordshire Public Services to promote Smart Choices measures.

We will co-ordinate our promotion of Smarter travel choices by building on our core values, tone and style to deliver communication that will motivate, inform and support behaviour change.

Campaigns developed to promote the use of sustainable travel modes will use a variety of media and other elements including:

- Bus Backs on city centre services and refuse fleet countywide.
- Local radio.
- Local press and posters displayed in public buildings.
- Accessible and attractive information on all sustainable modes available in print and online.
- Calendar of targeted promotions to encourage trial of sustainable modes.
- On-going access to advice and help to support new users.
- Sustainable Travel Events including Bike week and Walk to School week.

## Travel Plans

A travel plan is a package of measures produced by developers, employers and education facilities to encourage alternatives to solo car use for those individuals that access a specific location on a regular basis. Travel plans are central to the delivery of Smarter Choices and are prepared as a condition of a planning process or on a voluntary basis.

In general travel plans include a combination of initiatives both 'hard' (physical engineering) and 'soft' (non-physical engineering) measures. A travel plan could include: car sharing schemes; a commitment to improve cycling facilities; a dedicated bus service or restricted car parking allocations. It might also promote flexible-working practices such as remote access and video conferencing.

## Workplace Travel Plans

Herefordshire Council has sought to establish its Workplace Travel Plan as the exemplar for all other Workplace Travel Plans in the county including the use of electric vehicles for use as pool vehicles to reduce the use of its 'grey fleet'.

Grey fleet is a term used to describe the use of employee's own vehicles for business use, for which a mileage rate is paid for claims made.

Other than those secured through the planning process we incentivise the adoption of Workplace Travel Plans through a travel grant scheme for businesses. This allows businesses with travel plans to apply for grant funding to provide sustainable travel infrastructure (cycle parking, lockers, showers etc) to encourage increased sustainable travel to work and reduced business travel.

Our primary focus is to work with major employers that do not have an existing travel plan or those that have a travel plan which requires updating.

## Policy LTP SC2 – Workplace Travel Plans

We will continue to work with employers with the aim of reducing solo car use, promoting employee sustainable travel behaviour and reducing the need to travel by developing and reviewing Workplace Travel Plans and through the Travel for Work Hereford network. We will achieve this by:

- Focusing on major employers we will undertake site visits to audit existing sustainable travel infrastructure, provide a template travel survey and on-going guidance and advice regarding how the travel plan could be updated.
- Incentivising engagement by providing small-scale grants for sustainable travel infrastructure.
- Developing the Travel for Work Hereford network for disseminating travel promotions and providing personal travel advice direct to employees, and providing enhanced support to Hereford businesses.
- Encouraging smaller employers sharing sites to work together and develop shared resources to encourage sustainable travel.
- Encouraging reductions in grey fleet (employees own vehicle) mileage and promote measures to provide alternative means of travel.

## School Travel Plans

The journey to and from school by car is a major contributor to peak hour car use within Hereford. Monitoring of morning peak vehicle flows in 2009 indicated a 20% reduction in traffic flows during non-term times within Hereford.

School Travel Plans promote the use of sustainable modes of travel to pupils and parents via soft measures, such as cycle training and promoting walking buses and car sharing. School Travel Plans contain targets for modal shift and a commitment to monitor travel patterns and revise and update the Action Plan.



### Policy LTP SC3 – School Travel Plans

We will continue to encourage schools to develop and review established school travel plans that aim to reduce car use and promote sustainable travel behaviour.

### Personalised Travel Plans

Personal Travel Planning (PTP) is typically delivered across large residential areas. It is a well-established method that informs and supports individuals that want to make sustainable travel choices.

### Policy LTP SC4 – Personalised Travel Plans

We will deliver Personalised Travel Planning in the short term as part of the Destination Hereford project. Personalised Travel Planning will only be available to households within Hereford and will be delivered using best practice tools and techniques developed in other UK towns and cities including:

- One-to-one conversations, either at the doorstep or by telephone, between residents and trained field officers to encourage and motivate a change in behaviour.
- The provision of information on how to travel sustainably (for example, maps or guides about the local bus network, walking and cycling routes).
- Incentives to encourage the use of sustainable modes (for example, free prize draws, pedometers, water bottles and bus tickets).

The impact of Personalised Travel Planning in altering travel behaviour will be assessed through the Destination Hereford project and if successful consideration will be given to expanding this process to the market towns in the medium and long term.

### Smarter Travel Choice Initiatives

To raise the level of awareness individuals have regarding their travel choices, we will deliver a range of Smarter Choice Initiatives designed to raise the profile of certain travel modes.

- **Choose Cycling:** Love to Ride, Adult and child cycle training, improved signage, encouragement for new cyclists through a series of led rides and promotion of bike hire
- **Choose Walking:** Walking Challenge and promotion of walking for health led walks
- **Choose Bus:** New travel information targeting new users and Try the Bus promotions involving local operators
- **Choose Smart Car Use:** Targeted promotions to encourage increased sign-up to twoshare.co.uk and also integration of Park & Share/ Park and Cycle to help more people to find a successful match



## Policy LTP SC5 – Smarter Choice Initiatives

We will deliver and continue to develop the range of Smarter Choice Initiatives provided to enhance and promote smarter choices within Herefordshire including:

- **Supporting and Promoting Events**

We will continue to support and promote key national events and initiatives within Herefordshire, working with user groups to broaden awareness and encourage participation from the general public. We will also promote events via our network of Travel Plan contacts and will encourage employers and Head Teachers to support employees and schools to become involved. Examples of our supported events include:

- **Love to Ride website**

We will continue to support our on-line cycling community through our Love to Ride website which provides a range of information for new and returning cyclist.

- **Child and Adult Cycle Training**

We will support all Travel Plans by co-ordinating a programme of child and adult cycle training and providing advice on route selection and cycle maintenance classes. Child cycle training will be delivered via the school. Adult cycle training will be delivered across the county through our team of fully qualified Bikeability cycle training instructors.

- **Active Travel Signing Upgrade**

We will undertake a comprehensive review of signage for the city's transport network and will overhaul signing for pedestrians, cyclists and public transport. Raising awareness and informing travellers of the options they have, such as short cuts and safer routes is a key motivator to behaviour change.

- **Hereford Cycle Hire**

Hereford's first bike hire and loan scheme will be in operation from 2012/13 and is managed by our partner, HALO. The scheme will support those looking to trial cycling to work or college and enable us to directly market cycle training.

- **Walking Challenge**

To encourage increased walking, we will create Choose Walking challenge packs with hints and tips to boost regular walking, including a pedometer and a record sheet to track progress. In addition we will promote led walks and the annual Herefordshire Walking Festival.

- **Car Sharing – including Park and Share / Park and Ride**

We will promote our countywide car share scheme ([www.twoshare.co.uk](http://www.twoshare.co.uk)) as a core support for all Workplace Travel Plans and as a means of improving rural access. Herefordshire has a well-established car-sharing scheme available to all residents and people who work in or visit the county. The LTP will continue to support Twoshare as part of the national Liftshare network.

Building on Twoshare we will deliver a number of Park and Share sites which will provide rural commuters with more flexible options for car sharing, cycling and access to public transport. For many rural residents car sharing is not a viable option due to the large detours required to meet up. Park and Share will identify a network of hubs for car sharers to meet, en-route to their destination, enabling more people to match journeys.

In addition, Park and Share comprises a series of parking hubs on the fringes of Hereford to provide an even greater opportunity for sharing as journeys converge on the city. Many of these hubs, especially those near to Hereford and other settlements, will enable Park and Ride where users can integrate with existing bus services, and Park and Cycle hubs where users can complete journeys by bike. We have engaged with a wide range of private sector partners to identify a network of parking hubs and spaces which are donated free of charge for use by sharers. The Council is also providing spaces from its own property assets.

- **Car Clubs**

We will support the development of community led car clubs by facilitating the provision of parking spaces for car club cars. Allocated parking will only be provided following community consultation.



## Development Control (Transport)

This policy statement contributes towards the delivery of the following LTP Objectives

- Support economic growth within Herefordshire by reducing congestion and improving journey time reliability;
- Ensure suitable access to housing and employment sites including the Rotherwas Enterprise Zone;
- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise;
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Improve Herefordshire's streetscape for residents, shoppers and visitors;
- Reduce the number and severity of road traffic accidents in Herefordshire by reducing the conflicts between different modes of transport, and reducing speeding and drink/drug driving; and
- Provide a road network that is safe and efficient and that provides a positive journey experience

As a statutory consultee in the planning process, Herefordshire Council as the Local Highway Authority has a duty to ensure that the transport network is fit for purpose.

We encourage a partnership-led approach in the design of new developments which are sustainable in transport terms and which mitigate their impact on the existing network. To deliver these outcomes new developments must be planned, designed and constructed in accordance with the National Planning Policy Framework and local policies. We encourage early consultation to maximise the development's sustainable potential, while minimising the impact of new and redevelopment of existing sites and minimising costs to the developer.



## Policy LTP DC1 – Planning for Sustainable Developments

We will ensure that the impacts of development on the transport network are fully considered for new or re-development of existing sites. This will be achieved by working with developers to ensure:

- Those planning new developments' must follow locally adopted guidance, including Herefordshire Council's Highways Design Guide and Specification for New Developments.
- The hierarchy of transport modes is used to inform the design for new and re-development of sites. This hierarchy is not an order of precedence for actual provision, but simply an order of consideration that seeks to ensure that decisions regarding development design are consistent with delivering the objectives of the LTP.

Highest 1	Pedestrians and people with mobility difficulties
2	Cyclists and public transport users
3	Commercial / business users and powered two wheelers
4	Car borne shoppers / visitors and coach borne visitors
Lowest 5	Car borne commuters

- New and re-developments are designed and located to minimise the impacts on the transport network, such that journey times and journey time reliability do not deteriorate. Measures to achieve this will include: locating new developments on existing walking, cycling, passenger transport and highway routes and services; maximising the use of non-car modes such that the impact on congested sections of the highway network are minimised and investing in walking, cycling and passenger transport infrastructure and services enabling new developments to be accessed without incurring on-going additional revenue costs to Herefordshire Council.
- New and re-development of existing sites are to be designed and constructed in a way that does not impact on the safety of highway users, and where located adjacent to existing problematic sites, incorporate solutions into the design.
- The inclusion of sustainable transport infrastructure is to be encouraged within the design of new and re-developments.

- New development and redevelopment of existing sites should always avoid severing routes used by cyclists or pedestrians or prejudice accessibility by walking or cycling. If development proposals do impact on the walking or cycling network then an alternative route must be provided by developers. The quality of alternative routes must be of equal or better quality than the one impacted by development without incurring on-going additional revenue costs to Herefordshire Council. Protect and incorporate into the design, historic transport routes such as dismantled railways to be used as sustainable transport links.
- Sustainable Urban Drainage principles will be applied to all developments where they are practical and technically feasible to manage surface water runoff and alleviate the risk of flooding.





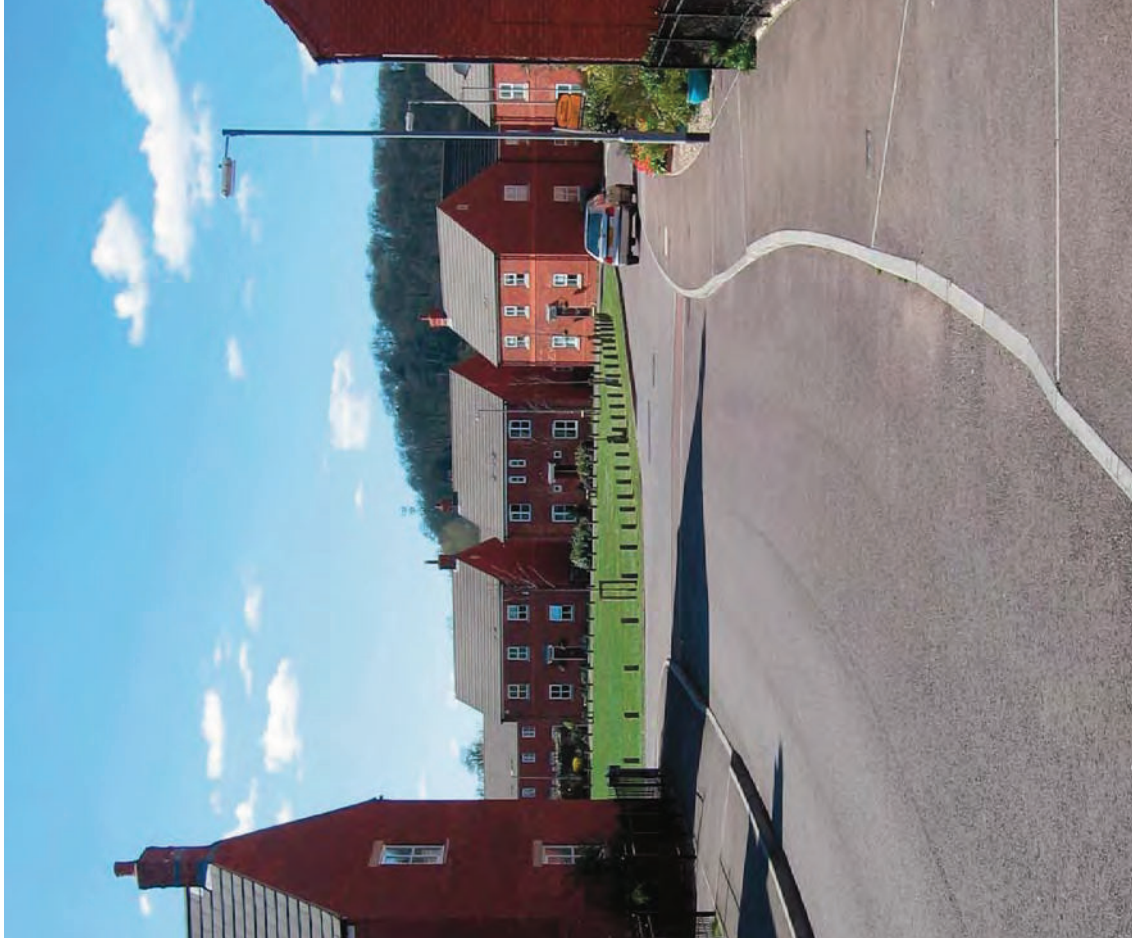
Investment in transport infrastructure and services cannot be met solely from public funds. Financial contributions from the private sector and in particular the promoters of new land use developments, are required to reflect the impact placed on the capacity and operation of the transport network by new and re-developments.

**Policy LTP DC2 – Developer contributions to mitigate the impacts of new and re-developments on the transport network**

We will ensure that the impact of development on the transport services and network are fully considered when planning new land use developments and appropriate transport infrastructure and services are delivered to ensure accessible, sustainable safe, environmentally friendly and maintainable developments. This will be achieved by:

- Ensuring that the appropriate levels of financial contributions are provided by developers towards the capital and on-going maintenance costs of on and off-site transport infrastructure and services considered necessary to mitigate their impacts to the transport network.

For more information on developer contributions please refer to Herefordshire Council's Planning Obligations Supplementary Planning Document.



### This policy statement contributes towards the delivery of the following LTP Objectives

- Reduce the number of short distance car journeys within Herefordshire by providing practical transport choices to support sustainable travel behaviour;
- Support everyday physical activity to improve the health and wellbeing of Herefordshire's residents;
- Encourage sustainable travel choices by reducing the safety risks associated with their use;
- Improve Herefordshire's streetscape for residents, shoppers and visitors;
- Protect Herefordshire's highway network from extreme weather; and
- Improve the condition of our roads, footways and cycle-ways, bridges, milestones, signage, street furniture and sustain their condition

Public Rights of Way include footpaths, bridleways, restricted byways and byways open to all traffic as part of the overall transport and access facilities of Herefordshire. Although these routes are managed through a Rights of Way Improvement Plan it is important to recognise their broad function in:

- Providing local access to bus and rail services and facilities such as schools, workplaces and local services.
- Encouraging and enabling people to use sustainable travel modes.
- Enabling people to take healthy exercise through walking, cycling and equestrian activities.
- Encouraging tourism.
- Providing access to countryside and green spaces.
- Improving community cohesion and safety through high levels of use of public space.

Parish Councils have statutory powers and also devolved funds through schemes such as the Parish Paths Partnership which they can use to undertake maintenance of our Rights of Way network. This opportunity will be enhanced through the provisions of the Localism Act.

### Policy LTP PRW1 – Policy B3 Managing Public Rights of Way

We will develop, promote, manage and maintain our public rights of way network. This will involve:

- Ensuring that the value of these assets and the links which they enable are identified and built into our planning, decision making and scheme appraisal processes.
- Developing our asset management processes, as set out in the Transport Asset Management Plan, to provide for planned, proactive maintenance of public rights of way.
- Developing and deploying the categorisation and prioritisation system in consultation with stakeholders, including local communities and organisations representing rights of way users.
- Consulting with all local communities, as part of our accessibility planning process, to identify key route improvements which will enhance their access to a range of destinations and to public transport.
- Building key strategic and local links into our Local Development Framework and infrastructure lists in order to ensure that they can be safeguarded and improved through the Planning and Development Control processes.
- Working with landowners, developers and designers to ensure that developments (including roads) do not fragment the rights of way network and that every opportunity is taken to introduce enhancements.
- Developing and agreeing with all relevant stakeholders a mechanism to address the maintenance of bridges on the rights of way network.



This policy statement contributes towards the delivery of the following LTP Objectives

- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise;
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes; and
- Improve Herefordshire's streetscape for residents, shoppers and visitors.

### Air Quality

Local authorities have a duty under the Environment Act 1995 to review and assess local air quality within their areas. Generally air quality in Herefordshire is very good. The exceptions occur in central Hereford, Leominster and on the A40 at Pencraig.

In 2001 an Air Quality Management Area (AQMA) was declared along the A49 (T) corridor through Hereford City Centre. The Hereford City Air Quality Action Plan was developed in 2008 and identified 15 actions designed to improve air quality in the city. Changes to the existing AQMA boundary are being considered as pollution levels at Holmer Road are improving whilst pollution levels at Whitecross Road are deteriorating.

In 2005 an AQMA was declared along the A44 in Leominster covering the environment around the Bargates Junction, and an Air Quality Action Plan is in the process of being agreed. Monitoring of the A40 between Wilton to Pencraig indicates that the annual mean nitrogen dioxide threshold will be surpassed (greater than 40 NO<sub>2</sub>ug/m<sup>3</sup>), but no formal AQMA has been designated. The extent of an A40 AQMA requires liaison with the Highway Agency who manage this trunk road.

### Policy LTP AQ1 - Improving Air Quality

We will aim to reduce air pollution from traffic through measures to manage traffic and emissions levels. This will be achieved by:

- Developing and prioritising transport schemes which encourage the use of less-polluting transport modes, including walking, cycling and passenger transport within urban environments and in particular for journeys to, from or through Air Quality Management Areas.
- Developing Air Quality Management Plans, as appropriate; to mitigate the transport related causes of poor air quality.
- Working in partnership, particularly with the Highways Agency, developers and Town Councils to implement the mitigation measures identified in Air Quality Management Plans to ensure that air quality does not further deteriorate.
- Ensuring that Transport Assessments provided in support of planning applications for new developments take account of the impact on air quality of traffic generated by new developments.
- Monitoring air quality, particularly on traffic sensitive streets, to identify at an early stage, potential air quality deterioration, and understand the transport related causes of the air quality determination and designate as appropriate Air Quality Management Area.

### Noise

Noise maps showing noise levels from road, rail and industry are currently being produced for areas around the UK including the West Midlands as part of a study undertaken by Department for Environment Food and Rural Affairs. Noise maps for Herefordshire are not currently available but when produced they will highlight areas of concern so that future Action Plans can be developed.



### This policy statement contributes towards the delivery of the following LTP Objectives

- Reduce the environmental impacts of traffic particularly CO<sub>2</sub>, air quality and noise; and
- Minimise the impact of transport on biodiversity, water quality, heritage landscapes and townscapes.

The majority of rural journeys in Herefordshire will continue to be made by motorised vehicles due to the distances travelled and the cost of providing passenger transport alternatives. The long-term future regarding how the car will be powered is not certain. Development of Zero and Low Emission Vehicles will be informed by market conditions governing world oil prices and technological advances particularly batteries.

### Policy LTP ZLV 1 – Zero and Low Emission Vehicles

We will work with transport providers and businesses to encourage the use of more efficient vehicles:

- Aiming for all contracted services including bus services and for licensed taxis and private hire vehicles to comply with Euro 5 emission standards by 2018
- Demonstrating best practice by ensuring all Herefordshire Public Services fleet vehicles comply with the latest Euro Emission Standards
- Encouraging businesses through Work Place Travel Plans to limit 'grey fleet' business mileage and purchase and use more efficient fuel efficient vehicles as a pool fleet.
- Promoting more efficient driving styles and practices through training courses and awareness campaigns.
- Considering, where appropriate, increasing the availability of refuelling/charging points for electric vehicles on Herefordshire Public Services owned premises.





If you would like help to understand this document, or would like it in another format or language, please call 01432 260500 or email [info@herefordshire.gov.uk](mailto:info@herefordshire.gov.uk)





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Youth Justice Plan</b>
<b>REPORT BY:</b>	<b>Director for Children's Wellbeing</b>

## Classification

Open

## Key Decision

This is not an executive decision

## Wards Affected

County-wide

## Purpose

To approve the Youth Justice Plan.

## Recommendation(s)

**THAT: the Youth Justice Plan attached at Appendix A to the report be approved.**

## Alternative Options

1. There are no alternative options as a Youth Justice Plan is required to be produced on an annual basis. Council could suggest alternatives for inclusion in the plan. However, this has been through a process of development across all four authority areas and in the main continues to embed the significant changes introduced in last year's plan.

## Reasons for Recommendations

2. The Youth Justice Plan is prepared on an annual basis on behalf of Herefordshire Council, Shropshire Council, Telford and Wrekin Council and Worcestershire County Council. The basic plan preparation is undertaken by the West Mercia Youth Offending Service (YOS) according to the deadlines and guidance from the Youth Justice Board for England and Wales (YJB).
3. The Youth Justice Plan sets out how youth justice services across West Mercia are structured and resourced and identifies key actions to address identified risks to service delivery and improvement.
4. Under section 40 of the Crime and Disorder Act 1998 each Local Authority has a duty to produce a Youth Justice Plan setting out how youth justice services in their area are provided and funded and how the Youth Offending Service for the area is funded and composed, the plan is submitted to the Youth Justice Board for England and Wales.
5. The plan was considered by the Herefordshire Community Safety Partnership at its meeting on 20 June and was supported as an important

element in addressing the community safety priorities in the county. Cabinet on 31 July agreed to recommend the Plan to Council.

6. The Youth Justice Plan for 2014/15 was prepared in April 2014 in line with the guidance issued by the YJB and agreed at the West Mercia Youth Offending Management Board on 23 May 2014. It is officially due to be submitted to the YJB by the end of September 2014. A provisional copy was forwarded to the YJB in June.

## Key Considerations

7. The Youth Offending Service is subject to three national indicators. Performance against the indicators is outlined in the plan and actions identified to address risks to performance improvement. The Herefordshire specific information is set out on pages 24-28 of the plan. The indicators are published quarterly, for a 12 month period ending on the last day of the quarter. The data is published by the Ministry of Justice and the reporting periods differ between each of the indicators. Since the plan was prepared, there has been a further quarterly update on the performance. The updated performance for Herefordshire is outlined below:
  8. The First Time Entrant (FTE) indicator, which is expressed as the number of first time entrants to the youth justice per 100,000 youth population, was 547 for Herefordshire in the year ending December 2013, representing a reduction of 7% from the year ending September 2013 where the FTE rate was 589. The Herefordshire rate of 547 for the year ending December 2013 is higher than for West Mercia at 442, but lower than for England at 556. The actual number of FTE in Herefordshire in 2013 was 92.
  9. At 547, Herefordshire has the highest rate of FTEs across West Mercia and some analysis into the reasons for the higher rate was undertaken in 2013/14, which found that in part it is due to a higher detection rate and lower proportional use of informal disposals. Further analysis is planned for 2014/15, including consideration of a wider range of issues which impact on the likelihood of a young person offending (e.g. non-school attendance). This will enable more targeted and integrated activity to take place to address the higher numbers.
  10. The second indicator is the use of custody indicator, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for the year ending March 2014 was 0.30, which is the same as for the year ending December 2013 and in line with the West Mercia performance of 0.29. The Herefordshire rate is significantly lower than the national rate of 0.44. The actual number of custodial sentences on Herefordshire young people in the year ending March 2014 was five.
  11. The third indicator is re-offending. There are two measures both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency rate, is the average number of re-offences per young person in the cohort. The second is the percentage of the young people in the cohort who have re-offended.
  12. The frequency measure for Herefordshire for the year ending June 2012 is 1.19 and this shows improved performance from the year ending March 2012 when the rate was 1.35. The Herefordshire rate of 1.19 is slightly higher than the West Mercia rate of 0.96.
  13. The percentage of young people who have reoffended in Herefordshire for the year ending June 2012 is 40.5%, which has slightly reduced from the year ending March 2012, when it was 40.8%. However, the Herefordshire
-



- rate of 40.5% is higher than for West Mercia which is 34.4%.
14. The most recent published data is showing improvements for both the first time entrant and the re-offending indicators in Herefordshire. The FTE rate at March 2014 is 493, a 9.9% reduction from period ending December 2013. The percentage young people re-offending for the period ending September 2012 was 33.5%, a seven percentage point decrease from the previous period.
  15. There has been a trend of increasing re-offending rates nationally and there is currently little evidence as to why this is happening. It is thought, in part, it is due to decreasing numbers in cohorts due to the successful diversion of first time offenders from the formal justice system, leaving a cohort of more serious and complex offenders who are more likely to offend. Local analysis undertaken during 2013/14 supports this hypothesis.
  16. The YJB is working with youth offending services during 2014/15 in order to understand more of what is driving the trend in performance and has launched, in the first quarter of the year, a re-offending tool kit to assist services to better understand the characteristics of their cohorts. This analysis will be used to target activity on a system wide basis to tackle the issue.
  17. In addition to the national indicator information, the plan provides information on the education status of young offenders and the proportion of young people on YOS caseloads that are looked after children including those temporarily based in Herefordshire by other local authorities.
  18. In 2013/14, the YOS Management Board has concentrated on increasing the proportion of school age offenders who receive a minimum of 25 hours education a week on the basis that this leads to better outcomes for the young person. In Herefordshire, this has seen a rise in the proportion receiving at least 25 hours from 79% in 2013/14 to 92% in the calendar year 2013.
  19. In common with Shropshire, Herefordshire has a large number of children's residential units used by other local authorities. This creates pressures for the Youth Offending Service, as no additional funding is made available to meet the increased offending issues caused by some of these placements. The Youth Justice Plan identifies that at the end of December 2013, 17% of the cases open in the Herefordshire YOS team were related to other authorities looked after children.
  20. The recent Ofsted inspection has stipulated that Herefordshire Council should ensure effective joint working with the police and youth offending services to routinely record and analyse information about looked after children engaged in offending behaviour.
  21. Inspectors also identified an increased number of looked after children held in custody overnight and insufficient emergency placements to meet the need of this group of vulnerable young people, when they are required to attend court or be interviewed the following morning. This will be a priority area for Herefordshire Council in 2014/15.

## **Community Impact**

22. The principal aim of the Youth Justice System is the prevention of offending and re-offending by children and young people. The Youth Justice Plan sets out an action plan to address the significant risks identified to future service delivery and improvement in the quality of service.
  23. The Youth Justice Plan supports both the Herefordshire Council Corporate Plan and the Children and Young Peoples Plan ("Yes We Can" Plan), by
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planning actions to improve the outcomes for children and young people who are in the youth justice system and working to minimise that risks associated with any harm they may pose to others and any harm posed to them.

24. The Youth Justice Plan directly contributes to the reducing re-offending priority in the Herefordshire Community Safety Strategic Plan 2014/17, in particular in relation to identified joint work with the YOS Management Board to reduce the rate of first time entrants to the youth justice system.

## **Equality and Human Rights**

25. The Youth Justice Plan does pay due regard to equality and human rights.

## **Financial Implications**

26. The 2014/15 financial contribution to the Herefordshire YOS team by the council is £246,604 which includes a cash contribution and two full time equivalent staff. This contribution represents a 16% reduction from 2013/14 and a 25% saving from the 2011/12 contribution, as part of a planned reduction created by the successful decrease in the number of offenders and efficiencies created by the establishment of the West Mercia YOS.

## **Legal Implications**

27. The requirement for a Youth Justice Plan is a statutory annual plan required under Section 40 of the Crime and Disorder Act 1998. The plan reviews the Youth Offending Team performance and outcomes for the past year and sets out our key priorities and objectives for the following year with regard to how the youth justice services in Herefordshire are to be provided and funded, how it will be composed, how it will operate and what functions it will carry out.

## **Risk Management**

28. The risks are identified in the plan, together with the actions to mitigate them.
29. As a result of the closure of West Mercia Probation Trust on 31 May 2014, due to national changes regarding the delivery of probation services, West Mercia Youth Offending Service (WMYOS) is being hosted, on an interim basis, by Worcestershire County Council. During 2014/15 work will be undertaken by the four local authorities and the other statutory partners to evaluate and agree the longer term hosting and delivery arrangements for WMYOS.
30. Whilst it is the statutory responsibility of the Council to secure the delivery of a Youth Offending Service, the risks are shared with the three other local authorities within West Mercia, the police, the National Probation Service, the Community Rehabilitation Company and NHS England.

## **Consultees**

31. As detailed in the Youth Justice Plan
32. The Council's General Overview and Scrutiny Committee and the Community Safety Partnership.

## **Appendices**

Youth Justice Plan.

## **Background Papers**

None identified.

# WEST MERCIA YOUTH OFFENDING SERVICE



## YOUTH JUSTICE PLAN 2014/15



## CONTENTS

1	Introduction	3
2	Performance Review	5
3	Resources	9
4	Structure, Governance and Partnerships	10
5	Priorities for 2014/15	14
6	Risks to Future Delivery - Action Plan	19
7	Management Board Approval	23
Appendix 1	Area Profile – Herefordshire	24
Appendix 2	Area Profile – Shropshire	29
Appendix 3	Area Profile – Telford and Wrekin	34
Appendix 3	Area Profile – Worcestershire	39

## **1. INTRODUCTION**

West Mercia Youth Offending Service was established on the 1<sup>st</sup> October 2012 and replaced the previous Shropshire, Telford and Wrekin Youth Offending Service and the Worcestershire and Herefordshire Youth Offending Service following a review of how youth justice services were provided across the West Mercia area.

Initially a core service was delivered through area based teams aligned to the Local Authority areas supported by a central team providing performance, commissioning and finance support. The core services are court facing services, assessment, planning interventions, monitoring and review functions, along with victim liaison and support of Community Panel Members. All other services, previously delivered by the Youth Offending Services, have been delivered in 13/14 by an interim provider services team whilst being subject to a commissioning process. The commissioning process was completed in October 2013, and a decision taken to integrate key services, including reparation, ISS, bail supervision, programmes and mentoring into the Youth Offending Service. A new service structure was implemented on 1<sup>st</sup> April 2014 to take account of the delivery of these services.

Initially West Mercia Probation Trust hosted the service on behalf of the Local Authorities and the Youth Justice Partnership. The dissolution of the Probation Trust from 1<sup>st</sup> June 2014 has led to the hosting arrangements being transferred on an interim basis, until March 2015, to Worcestershire County Council.

During 14/15 the Youth Justice Partnership will be undertaking a review in order to reach a decision regarding the future delivery arrangements from April 2015. Further work will be undertaken during the year to complete the transition from previous delivery arrangements including the restructure to integrate the commissioned services into the Youth Offending Service and the implementation of a single ICT system for the service.

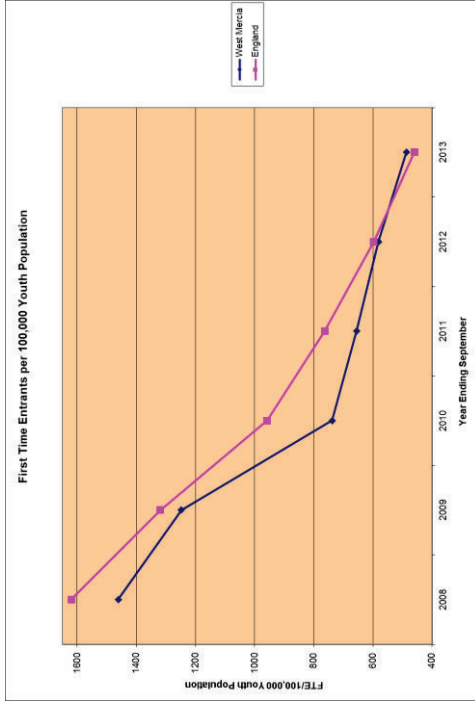
## 2. PERFORMANCE REVIEW

Youth Justice Partnerships are subject to three national indicators;

- First Time Entrants (FTE) to the Youth Justice System
- Use of Custody
- Re-Offending

### 1 First Time Entrants to the Youth Justice System (FTEs)

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (Youth Caution, Youth Conditional Caution or Conviction). A lower figure denotes good performance.



The rate of FTEs across West Mercia for the year ending September 2013 was 487, which is an improvement on the performance for year ending September 2012 when the FTE rate was 581. The performance for the year ending September 2013 is slightly higher than national rate of 460 and the average for the family group at 440.

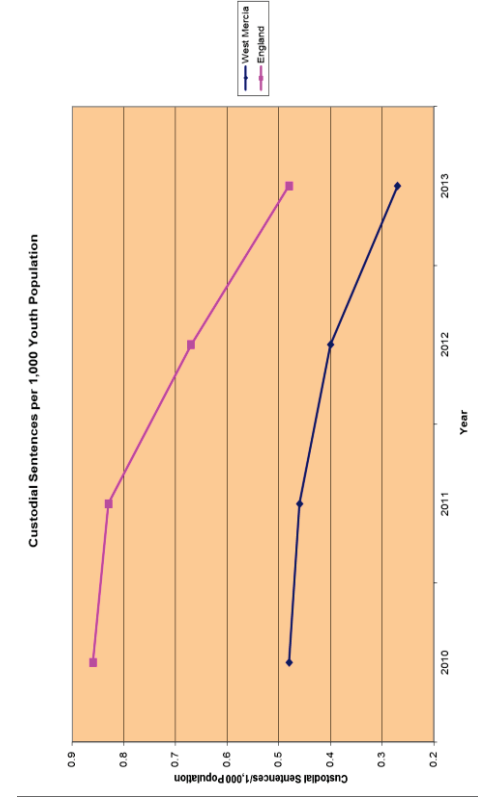
The percentage reduction in FTEs in West Mercia over the three year period between the year ending September 2010 and the year ending September 2013 was -34% compared to -59% for England and -50% for the family group.

Within West Mercia there are differing FTE rates between the four Local Authority areas, with the highest being 589 and the lowest 329. Some initial analysis undertaken in 2013/14 demonstrated that the highest rate was in part, a result of higher detection rates and a lower proportional use of the informal disposal of Community Resolution. Further analysis will be undertaken during 14/15 in order to better understand what is driving the differential rates. The Police policy on the use of Community Resolutions changes on 1<sup>st</sup> April 2014 and there is a risk that the policy change may lead to a slight increase in the number of young people entering the youth justice system for the first time, and the effect of this policy change will be monitored throughout 14/15.

Targeted prevention work is no longer delivered by the Youth Offending Service and forms part of the Early Help offer in each of the Local Authorities. In 2014/15 the YOS will be convening a task and finish group on behalf of the Office for Police and Crime Commissioner to seek assurance that those young people most at risk of entering the youth justice system are effectively targeted for intervention.

**2. Use of Custody**

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population. West Mercia has, historically, had a low rate of custodial sentences. A lower figure denotes good performance.



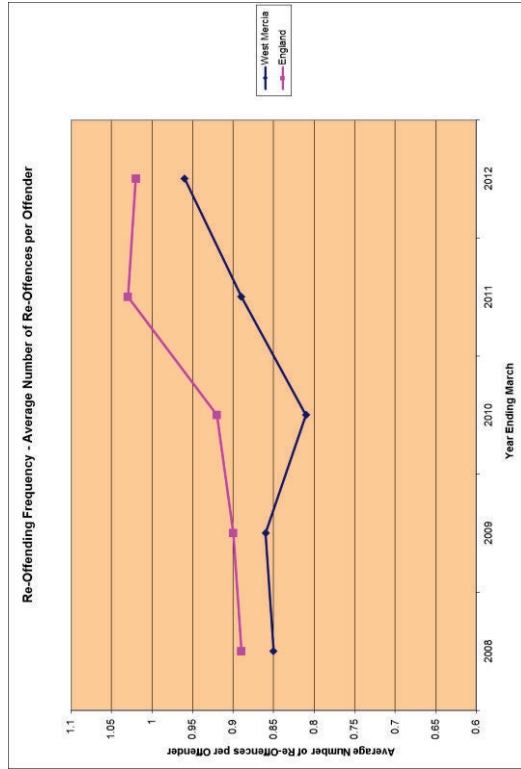
For the year ending December 2013 the use of custody rate for West Mercia was 0.27 against the rate for England of 0.48, West Mercia performance is, therefore, significantly better than the national performance but slightly worse than the family group rate of 0.22. The West Mercia rate for 2013 has improved from 2012 when it was 0.40.

Over the two year period of the year ending December 2013 and the year ending December 2011 the rate has reduced from 0.44 to 0.27, a reduction of -39% compared to a reduction of -42% over the same period nationally.

The actual fall in custodial sentences was from 54 in the year ending December 2011 to 31 in the year ending December 2013, a reduction of -43%.

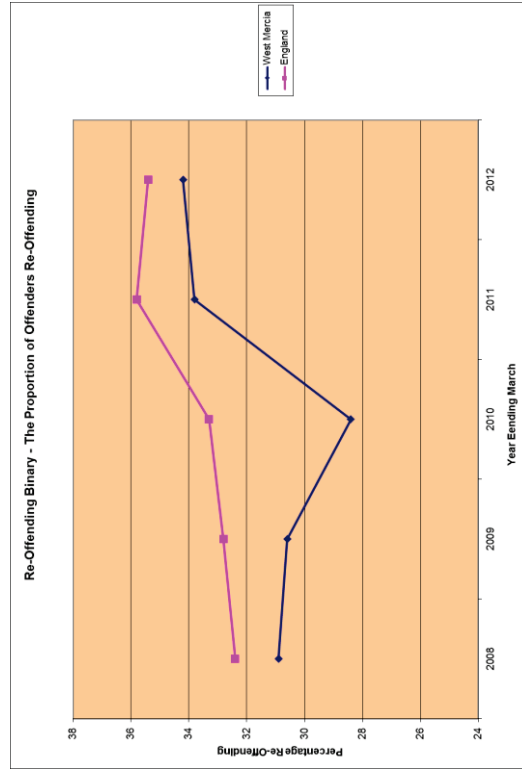
Intensive supervision and surveillance (ISS) is a community based alternative to custodial disposals and currently two ISS schemes operate across the area. In 14/15 the YOS will establish a single and consistent ISS scheme for West Mercia and develop a consistent Bail Supervision offer as part of the strategy to divert, where appropriate, young people from custodial remands and sentences.

### 3. Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. The most recent data for the re-offending measure is for the cohort identified in year ending March 2012. In both measures a lower figure denotes good performance.

For the year ending March 2012 the frequency measure performance for West Mercia was 0.96, compared to national performance 1.02. The range of performance across YOTs in England for the same period is 0.40 to 1.83. The West Mercia performance is slightly higher than for the family group which is at 0.91.



A comparison over the three year period of the year ending March 2009 and the year ending March 2012, shows an increase in the rate from 0.86 to 0.96 an increase of 12%. The increase in the frequency rate for England over the same period is higher from 0.90 to 1.02, an increase of 13%.

The binary measure performance for the year ending March 2012 for West Mercia is 34.2% compared with national performance of 35.4%. The range of performance for YOTs across England is 20.9% to 49.7%.

A comparison over the three year period of the year ending March 2009 and the year ending March 2012, shows increase in the rate from 30.6% to 34.2% an increase of 3.5 percentage points.



It has been recognised by the Youth Justice Board (YJB) that although significant progress, nationally, has been made in reducing first time entrants and reducing custody, the re-offending measure remains an area of concern. There is, currently, little research into the reasons for the decreases in the performance but it is thought that a large part of this may be down to the differences in the characteristics of more recent cohorts to the previous cohorts due to very significant decreases in first time entrants and the development of informal disposals for minor offences.

Analysis undertaken in West Mercia in 13/14 confirms that the cohort is changing in nature in West Mercia with the proportion of young people subject to out of court disposals, those with the lowest risk of re-offending, reducing by 10 percentage points between 2008 and 2012, the proportion of young people subject to community and custodial sentences, those with the highest risk of re-offending, rising by 7 percentage points.

It should be noted that the cohort size is falling, from 3039 young people in the March 2009 cohort compared to 1352 young people in the March 2012 cohort. The number of re-offences has therefore decreased over the same period from 2614 to 1296 a decrease of -50%.

The YJB is undertaking work with YOTs in order to understand more what is driving the trend in the re-offending performance and look at how YOTs can be supported in addressing reducing re-offending. In early 2014/15 the YJB will be publishing a revised re-offending tool kit to assist local areas in analysing their re-offending cohorts. Locally the West Mercia YOS will be utilising the tool kit to investigate the characteristics of cohort members and inform where resources are best targeted in order to reduce the current levels of re-offending.

### 3. RESOURCES

The Youth Offending Service has a complex budget structure comprising of partner agency cash, seconded staff and in kind contributions and the Youth Justice Good Practice Grant from the Youth Justice Board for England and Wales. The table below outlines the agreed contributions for 2014/15.

Agency	Staffing costs Secondees (£)	Payments in kind – revenue (£)	Other delegated funds (£)	Total (£)
Local Authorities <sup>1</sup>	0	68,000	1,426,470	1,494,470
Police Service	237,892	0	63,683	301,575
National Probation Service	168,088 <sup>2</sup>	0	62,043	230,131
Health Service	139,705	0	39,006	178,711
Police and Crime Commissioner	0	0	173,200	173,200
YJB Good Practice Grant	0	0	1,526,822	1,526,822
<b>Total</b>	<b>545,685</b>	<b>68,000</b>	<b>3,291,224</b>	<b>3,904,909</b>

In previous years there was an in kind contribution from the Probation Service for the provision of unpaid work for 16 and 17 year olds. From 2014/15 the responsibility for the provision of unpaid work for youth offenders transfers to YOTs, and the activity funded via a ring fenced grant from the YJB. At the time of writing the plan the amount of grant had not been announced. In 14/15 West Mercia YOS will receive a grant from the YJB in addition to the Good Practice Grant of £32,608 for the continued development of restorative justice.

The YJB Good Practice Grant is to fund developing good practice and will be used to deliver the priorities outlined in section 5 and the action plan outlined in section 6 of this plan. The allocation of funding to each priority and to activities will be outlined in a costed plan which will be submitted to YJB along with this plan in September 2014.

As part of the YOS review and establishment of the West Mercia service a target was set of achieving an overall saving of 20%, from a 2011/12 baseline, by 2015. The draft budget for 14/15 of £3,904,909 represents a 27% saving from the 11/12 baseline. This figure includes the Youth Justice Board Grant.

<sup>1</sup> Where YOTs cover more than one local authority area YJB Youth Justice Plan guidance requires the totality of local authority contributions to be described as a single figure.  
<sup>2</sup> Note: This represents four Probation Officers, however there are currently only two Probation Officers employed in the YOS and cash difference has been made available to the YOS as part of the delegated funds and used to directly employ two Case Managers. Previous practice has been for the whole Probation contribution to be transferred to the YOS and then the YOS re-charged for the salary, on costs and expenses for the Probation Officers.

#### 4. STRUCTURE, GOVERNANCE AND PARTNERSHIPS

The West Mercia Youth Offending Service comprises five multi-agency service delivery teams, aligned to the Local Authority areas (two teams in Worcestershire) to deliver the majority of services. These services are court facing services including the preparation of pre-sentence reports and remand management, and case management which includes assessment, planning interventions, the management of risk, monitoring and review of intervention plans and where necessary the enforcement of court orders. A central services team supports the area teams providing some services co-ordinated across the whole service including reparation and unpaid work, mentoring, and the co-ordination of Referral Order work, including the recruitment, training and management of Community Panel Members. A support team provides quality assurance, commissioning, data and finance support functions.

There are 85 full time equivalent posts in the service including support and administrative posts. The area based teams include Case Managers, Assistant Case Managers, Probation Officers, Health Workers, Police Officers, ISS Workers, Victim Liaison Officers, Substance Misuse Workers, ETE Workers and Administrators.

The YOS is managed on behalf of the Local Authorities and the YOS partnership by Worcestershire County Council. Day to day management of the Head of Service is provided by the DCS of Worcestershire County Council. The Youth Offending Service is accountable to the YOS Management Board. The Management Board comprises representatives of the right strategic level.

The Board is currently chaired by the Director of Children Services for Worcestershire County Council.

The Membership of the Board at 1<sup>st</sup> April 2014 is outlined in the table below:

Agency	Representative	Role
Worcestershire County Council	Gail Quinton	Director of Children Services
Shropshire Council	Karen Bradshaw	Director of Children Services
Telford and Wrekin Council	Laura Johnston	Director of Children and Family Services
Herefordshire Council	Jo Davidson	Director of Childrens Wellbeing
West Mercia Probation Trust	David Chantler	Chief Executive
West Mercia Police	Gareth Morgan	Assistant Chief Constable
Local Area Team – NHS England	Becki Hipkins	Project Manager
Office for the West Mercia Police and Crime Commissioner	Andy Champness	Chief Executive

In addition to the members a Youth Justice Board regional representative attends meetings in an advisory capacity

The Board has adopted the following purpose and underlying principles:

### **Purpose**

- To focus collaborative multi-agency effort on work to improve outcomes for Young Offenders by offering an exemplary service, with timely interventions and strong links and partnership across all local services including Children's Services, criminal justice and community safety sectors.
- To set strategic direction for the Youth Offending Service across West Mercia and agree and review local youth justice planning
- To provide support and challenge to the West Mercia YOS on operational performance.

### **Underpinning Principles**

- To demonstrate effective leadership, support and challenge to the West Mercia YOS.
- To ensure that the YOS is compliant with relevant national standards, including Youth Justice Board and local arrangements, and deals with exceptions/risks appropriately
- To ensure available resources are used efficiently to run an effective YOS.
- To ensure that Local Authorities jointly and singly manage the agreement with the host agency (WMPT).
- To provide the necessary governance to effectively steer the delivery of the service

In 2013/14 the Board has established a reference group to analyse issues relating to Looked After Children and Care Leavers who are in the Youth Justice System, the work of this group will continue throughout 14/15

The Management Board will ensure that, where relevant, commissioning across partner agencies take account of the needs of young people in or at risk of entering the youth justice system, and where appropriate explore joint commissioning arrangements.

## Priorities for 2014/15

The Management Board have agreed five main service priorities with a number of key areas of focus for each of the priorities for 2014/15.

The priorities and key areas of focus are outlined in the table below and outlined in more detail in section 5 of this plan.

Service Priority	Key Areas of Focus for 2014/15
<b>1. Reduce Offending and Protect Communities from Harm</b>	1a. Reducing re-offending
	1a(i) APIS
	1a(ii) Management of Risk
	1a(iii) Sexually Harmful Behaviour
	1b. LAC and Care Leavers
	1c. Diversion
	1c(i) Out of Court Disposals
	1c(ii) First Time Entrants
	1c(iii) Custody and ISS
	1d. Restorative Process
<b>2. Enabling Staff to Deliver Now and into the future</b>	1d(i) Reparation
	1d(ii) Embedding RJ
	1e. Safeguarding
	2a. Training and Development
	2b. Communication and Engagement
	2c. Management Oversight
<b>3. Finish the Job</b>	3a. Fit for the future
	3a(i) Development of Unpaid Work
	3a(ii) Transition to Adulthood
	3a(iii) Consistency in Practice
	3a(iv) Arrangements for 2015
	3b(i) Implement single ICT system
<b>4. Get Connected, Stay Connected</b>	3b(ii) Upgrade Case Management System
	3c. Accommodation
	4a. Pathways and Protocols
	4a(i) Access to Services
	4a(ii) SM, ETE and Parenting
	4b. How we become more integrated
<b>5. Know the Right Thing</b>	5a. QA and Performance
	5a(i) Outcomes
	5a(ii) Re-offending Analysis
	5b. Voice of the Child
	5c. Policies and Procedures

## **Partnerships**

The Youth Offending Service only has one outsourced service, the provision of Appropriate Adults for young people in Police custody. The service is provided by a local voluntary sector organisation YSS. Due to previous contracting arrangements with YSS, the organisation currently second 5 staff into West Mercia YOS who are deployed in the delivery of ISS, reparation and assistant case manager roles.

The YOS is a member of the four Safeguarding Children Boards and the Children's Trusts or equivalent partnerships. The YOS is represented on the Crime and Disorder reduction partnerships at the unitary or top tier authority level. The YOS is an active member of the West Mercia Criminal Justice Board.

The YOS is contributing to the Troubled Families programmes across the 4 areas and is represented at two of the strategic planning groups.

In setting the priorities for 14/15 the Management Board has ensured that these support three of the four strategic aims of the West Mercia Police and Crime Plan. The YOS will directly contribute to objective 5 of the Police and Crime Plan, to reduce re-offending and bring offenders to account, under which two of the success measures are the YOS First Time Entrant and Re-offending Indicators.

## **5. PRIORITIES FOR 2014/15**

### **1 Reduce Youth Offending and Protecting Communities from Harm**

The YOS is committed to ensuring that the risks posed by and to young people in the youth justice system are minimised through robust assessment and risk management. Key areas of focus under this priority for 2014/15 are reducing re-offending, looked after children and care leavers, diversion and restorative approaches and safeguarding

#### **1a Reducing Re-offending**

The re-offending performance is worsening, however the numbers in the cohort have been falling so there are significantly less re-offences. In 14/14 the YOS will concentrate on three areas, those of;

- 1a(i) Assessment and Planning – improving the quality of assessment and intervention planning and planning for the implementation of AssetPlus, the new national assessment tool for youth offending services.
- 1a(ii) Management of Risk – Reviewing and revising the risk management and DYO processes across the area.
- 1a(iii) Sexually Harmful Behaviour – Further implement and embed the AIM2 assessment and intervention work for young people demonstrating sexually harmful behaviour

#### **1b Looked after Children and Care Leavers**

Looked after children (LAC) and care leavers who are in the youth justice system have been identified as a particularly vulnerable subset of both the LAC population and the youth offending population. LAC form a significant proportion of young people on YOS case loads across the West Mercia area teams. There is also a significant proportion of LAC from other Local Authorities who are temporarily placed in Shropshire and in Herefordshire and managed by the YOS. An operational reference group, as a sub-group of the Management Board, was established in 13/14, comprising of representatives of the social care services and the YOS to analyse the joint issues and develop joint working in relation to LAC and care leavers. The group will refresh their work plan, which will include putting in place joint protocols between YOS and Social Care and establishing an area wide protocol to reduce the need to criminalise young people in the looked after system.

## 1c Diversion

- 1c(i) The new out of court disposal framework has been in operation for a year. A priority will be reviewing the current arrangements for joint decision making and further developing the intervention programmes for young people subject to cautions.
- 1c(ii) Diversion from the youth justice system through targeted interventions contributes to reducing the number of first time entrants to the youth justice system. With targeted prevention work moved from the YOS and included in early help services, the YOS will convene a group to ensure that those young people on the edge of the youth justice system and are effectively targeted for help.
- 1c(iii) Reducing custody is another area of focus and in 2014/15 the YOS will concentrate on developing robust alternatives to secure remands, establishing a consistent ISS offer across the area and developing resettlement support.

## 1d Restorative Approaches

The YOS has good reparation services and victim liaison arrangements. Despite this the proportion of victims participating in direct restorative processes remains low. In 14/15 the YOS will complete the RJ training programme that commenced in 13/14 and ensure that restorative practices become embedded in the work of the YOS

## 1e Safeguarding

In 14/15 the YOS will implement a comprehensive safeguarding action plan to ensure that the YOS is fully compliant with responsibilities under section 11 of the Children Act.

## 2. Enabling staff to deliver now and into the future

This priority is concerned with ensuring that staff have the right training, knowledge and support to deliver quality services for children and young people. Key areas for focus for 14/15 are training, communication and engagement and management oversight.

### 2a Training Strategy and Plan

In 13/14 two surveys were undertaken in the YOS, one on general training needs and the second on safeguarding training needs. These surveys are informing the training plan for 14/15.



## 2b Communication and Engagement

Staff have identified that communication within the YOS could be improved. In 14/15 it is intended to establish a staff communications group to develop and oversee a YOS communication strategy and plan.

## 2c Management Oversight

In the latter part of 13/14 it has been identified that management oversight is inconsistent across the service. In 14/15 the service will further define those activities where management oversight is required, and how that management oversight is achieved, ensuring this is consistent across the service. This includes ensuring that the new service supervision is implemented.

## 3 Finishing the Job

Although West Mercia YOS was established on 1<sup>st</sup> October 2012, at 1<sup>st</sup> April 2014 the YOS is implementing the second phase of the restructuring of youth justice services across West Mercia

### 3a Fit for Purpose

The YOS four main priorities under this key area of focus are;

- 3a(i) Unpaid Work - The development of an unpaid work scheme for when the responsibility for the delivery of unpaid work for 16 and 17 year olds transfers from provider of probation services to YOTs in June 2014.
- 3a(ii) Transition to adulthood - The YOS will seek to continue the previously planned work with the Probation Trust, with the new providers of probation services.
- 3a(iii) Ensuring consistency across the service - There are currently performance and quality differences between the area teams, and YOS intends to ensure that all teams are operating to the same high standard.
- 3a(iv) Service review - Reviewing the longer term service management and delivery arrangements for 1<sup>st</sup> April 2015 onwards

3b ICT

There are two main outstanding areas of implementation under this area of focus to be progressed in 14/15;

- 3b(i) Single ICT system – Implementation of a single ICT system for West Mercia YOS.
- 3b(ii) Implementing ChildView - Merging the two case management system data sets and upgrading the case management system.

3c Accommodation

In 2013/14 the new accommodation arrangements were established for the Telford and Wrekin and Shropshire Teams. In 14/15 it is the intention to relocate the Herefordshire Team and co-locate the two Worcestershire Teams.

#### **4. Get Connected, Stay Connected**

One of the service priorities is to promote better integrated working between the YOS and other children and family services with the shared aim of improving outcomes for young people in the youth justice system. Key areas of focus for this priority in 14/15 are pathways and protocols and how the YOS becomes more included.

4a Pathways and Protocols

- 4a(i) Protocols - In 14/15 the YOS will continue the work to define pathways for young offenders into targeted services so they to obtain timely and appropriate services with key agencies. These pathways will be underpinned by joint protocols.

- 4a(ii) Commissioning - The commissioning process will be completed for ETE, Parenting and Substance Misuse work

4b How we become more included

Promoting greater integrated and joint working between the YOS and other services is a key area of focus. Initially in 14/15 this will be focused, in particular, on the work to be undertaken on joint issues with LAC and care leavers, in ensuring linkages with the Troubled Families and Early Help developments and information exchange with the social care services.

## 5. Know the Right Thing

Knowing the right thing is about ensuring that the YOS, the Management Board and other agencies have the information required to develop services and improve the outcomes for children and young people in the youth justice system and those at risk of entering the youth justice system.

### 5a Performance and Quality Assurance

The service developed and agreed a performance and QA framework in 13/14, but has work to complete in terms of implementing and embedding the frameworks, developing some of the quality assurance tools and developing the quality assurance role of newly recruited Advance Case Manager team. Two particular areas of focus for 14/15 are;

5a(i) Outcomes – Informing a service improvement plan through undertaking a mock inspection, a National Standards audit and self assessment of key areas of work.

5a(ii) Re-Offending – Continuation of the analysis of the re-offending cohort in order to understand where and how resources are best targeted.

### 5b Voice of the Child

A key area of focus will be the voice of child, ensuring that service users are involved in their assessment and planning processes, in evaluation and in helping to inform service development. Implementation of the Viewpoint feedback process for the Inspectorate will form part of work under this key area of focus.

### 5c Putting the right policies, procedures and guidance in place

In 13/14 comprehensive case management guidance including a management of risk policy was put in place as well as a safeguarding policy, allegations against staff policy, out of court disposal guidance and supervision policy. In 14/15 further guidance will be developed, in particular comprehensive guidance on recording has been identified as a priority.

## 6. RISKS TO FUTURE DELIVERY – THE ACTION PLAN

Risk to Future Delivery	Action	Key Priority and Area of Focus	Owner	Timescale (by end of quarter)
Intervention plans not sufficiently addressing assessed risks leading to increased risk of re-offending	Review current use of intervention and risk plans, evaluate change to a single plan	1a(i)	TMT	Q2
	Develop and implement QA tool and process for intervention planning	1a(i)	CPM	Q2
Gap in knowledge in what promotes engagement and compliance leading to increased levels of breach	Implementation of Asset Plus – Prepare service for Asset Plus Implementation	1a(i)	TMT	Q2 –Q4
	Review and revise guidance regarding intervention and risk planning	1a(i)	TMT	Q3
	Recording of outcomes to be included in recording guidance	1a(i)	CPM	Q2
	Use analysis of breach statistics to inform whether to establish a compliance panel	1a(i)	CPM/ TMT	Q3
Inconsistent risk planning processes across the service	Review and revise key risk management processes to ensure consistency – Case Planning Forums and DYO processes and paperwork	1a(ii)	TMT/ TMH	Q2
The training in assessment and intervention for young people engaged in sexual harmful behaviour (SHB) not embedded in practice	Review the role of YOS within IOM	1a(ii)	CPM	Q2
	Development of learning circles and buddy arrangements for staff engaged in SHB work	1a(iii)	TMH	Q1
Disproportionate criminalisation of LAC affecting FTE and re-offending rates	Launch SHB processes via workshop	1a(iii)	TMH/ TMWN	Q2
	Agreement of multi-agency protocol to reduce criminalisation of LAC	1b	TMS	Q3
Lack of coherent remand strategy risks increasing the number of remands to custody	Development of a remand management strategy	1b	CPM	Q2
	Establish joint YOS/Police out of court disposal protocol	1c(i)	TMWS	Q3
Inconsistent decision making across West Mercia in respect to out of court disposals	Review out of court joint decision making framework	1c(i)	TMWS	Q3
	Establish the OPCC Task and Finish group to monitor prevention work	1c(ii)	HOS	Q1
Young people at risk of entering the YJS not effectively targeted for intervention				

Risk to Future Delivery	Action	Key Priority and Area of Focus	Owner	Timescale (by end of quarter)
Insufficient understanding of reasons for differential FTE rates and new Police CR policy leading to increased FTEs	Analysis of differential rates of FTE performance across West Mercia	1c(ii)	CPM	Q2
	Monitor proportionate use of informal disposals and out of court sanctions	1c(ii)	CPM	Q1 – Q4
Inconsistent practice across West Mercia leading to increased use of custodial sentences and remands	Implementation of a centralised custody review process	1c(iii)	TMH	Q2
	Implementation of a West Mercia wide single ISS scheme	1c(iii)	TMH	Q2
	Development of a consistent bail support offer across West Mercia	1c(iii)	CPM	Q3
Inconsistent reparation practice across West Mercia	Implementation of a West Mercia wide reparation scheme	1d(i)	TMCS	Q1
Restorative processes not embedded in practice	Complete service wide RJ training for identified staff	1d(ii)	TMH	Q1
	Revise and agree the YOS RJ Strategy	1d(ii)	TMH	Q1
	Establish a service wide RJ service development group	1d(ii)	TMH	Q1
	Roll out safeguarding peer review across the service	1e	THWS	Q1
Insufficient risk management and planning with respect to vulnerability and safeguarding	Implement S11 action plans	1e	HOS	Q1 – Q4
	Develop and implement service training plan for 14/15	2a	CPM	Q2
No defined workforce development plan	Establish YOS Communications Group	2b	HOS	Q1
	Develop YOS communication strategy and plan for 14/15	2b	HOS	Q1
Inconsistent supervision practices across the service	Ensure new supervision policy embedded by monitoring audits at 2 and 5 months	2c	CPM	Q3
	Review and revise risk management and case management guidance	2c	TMT	Q2
Risk management guidance does not reflect revised processes for CPF and DYO	Development of Unpaid Work scheme for 16 and 17 year olds	3a(i)	TMCS	Q2
No provision for unpaid work requirements	Ensure case transfer arrangements/protocols in place with new providers of Probation	3a(ii)	CPM	Q2









Risk to Future Delivery	Action	Key Priority and Area of Focus	Owner	Timescale (by end of quarter)
Risks associated with NPS having statutory responsibility for YOTs but the majority of transferred work being to CRC	Establish a YOS reference group to include representatives of NPS and CRC	3a(ii)	HOS	Q2
Inconsistent recording practices	Put in place revised recording guidance for case management system	3a(iii)	CPM	Q1
Inconsistent quality assurance practices between service teams	Implementation of cross service QA processes	3a(iii)	CPM	Q1
Insufficient range of programmes to address assessed risk factors	Development of Activity and Programme work across the service	3a(iii)	CPMWN	Q3
Uncertain delivery arrangements from 1 <sup>st</sup> April 2015	Scope and decide on management and delivery arrangements for 2015 onwards	3a(iv)	CMB	Q3
Two ICT systems create barriers to performance monitoring and management oversight	Implement YOS/WMP project plan for rolling out WMP hosted ICT across the service	3b(i)	PRMB	Q2
YOIS does not support the new assessment framework	Upgrade Client/Management Information system to ChildView	3b(ii)	CPM	Q4
Leases coming to end on some buildings	Relocation of Worcestershire and Herefordshire Teams	3c	CPM	Q4
Inconsistent and ad hoc arrangements with key partners	Development of agreed pathways/protocols into services where these do not currently exist, in particular; Sign off of the remand protocols with L.A.s, Protocols with Children's Social Care and joint protocol regarding YP in Police Custody	4a(i)	CPM	Q2
Robust arrangements not in place for some key areas of discretionary practice	Complete commissioning work and agree delivery arrangements for ETE liaison, Substance Misuse and Parenting	4a(ii)	CPM	Q3
Assessments not taking account of full range of information sources	Explore the possibility of access to Children Social Care information systems in areas where this does not exist	4b	CPM	Q3

Risk to Future Delivery	Action	Key Priority and Area of Focus	Owner	Timescale (by end of quarter)
YOS does not have compliant structure if commissioned out	Investigate with DCSs secondment of social workers	4b	HOS	Q3
YOS not inspection ready	Commissioning independent mock inspection to inform improvement plan	5a(i)	CPM	Q1
YOS not NS compliant	Undertake National Standard audit	5a(i)	CPM	Q2
Future plans not evidence based	Undertake self audit on key areas of work to inform future planning	5a(i)	HOS	Q4
Merger of Youth Panels, and trials being held across Court centres leading to inconsistent sentencing	Monitor sentencing outcomes of trials held across different Worcestershire court centres	5a(i)	CPM	Q4
Not understanding matters affecting re-offending performance	Undertake further re-offending analysis	5a(i)	TMT	Q2
Service development not informed by user feedback	Implement Viewpoint feedback process for HMIP	5b	TMT	Q1
Inconsistent practice	Review and revise service user feedback process across the service	5b	CPM	Q2
	Identify key areas where policy development is required and put policies in place	5c	HOS	Q3

**Key to Action Owners:**

HOS Head of Service  
 TMS Team Manager – Shropshire  
 TMWS Team Manager – South Worcs  
 PRMB Management Board Police Representative  
 CPM CP and QA Manager  
 TMT Team Manager – Telford  
 TMCS Team Manager – Central Services  
 TMH Team Manager – Herefordshire  
 TMWN Team Manager – North Worcs  
 CMB Chair of the Management Board

## 7 MANAGEMENT BOARD APPROVAL

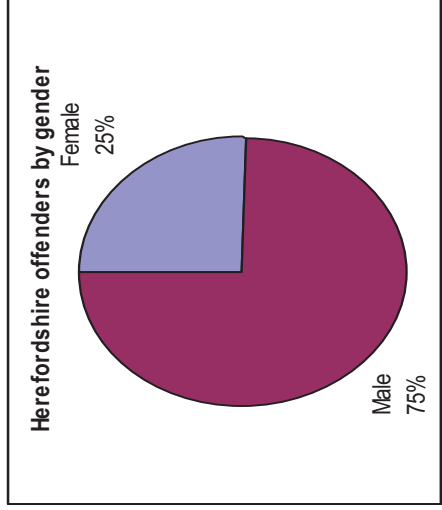
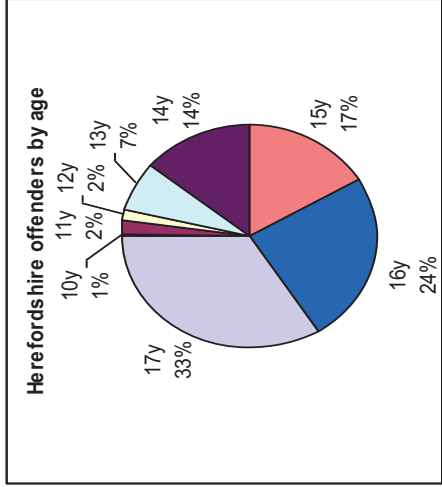
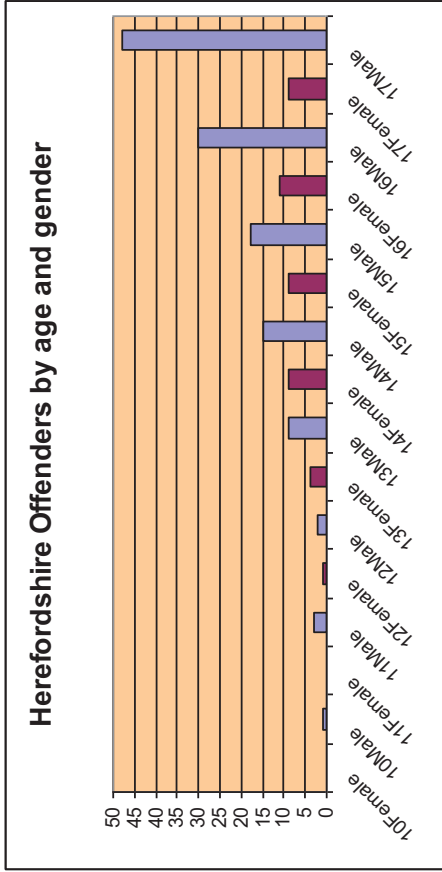
Agency	Agency	Signature	Date
Gail Quinton	Worcestershire County Council		23.05.14
Karen Bradshaw	Shropshire Council		23.05.14
Laura Johnston	Telford and Wrekin Council		24.05.14
Jo Davidson	Herefordshire Council		23.05.14
David Chantler	West Mercia Probation Trust		23.05.14
Gareth Morgan	West Mercia Police		23.05.14
Becki Hipkins	NHS England		23.05.14
Andy Champness	Office of the West Mercia Police and Crime Commissioner		23.05.14



**APPENDIX 1 - AREA PROFILE – HEREFORDSHIRE**

**Youth Offending Population – all Young People**

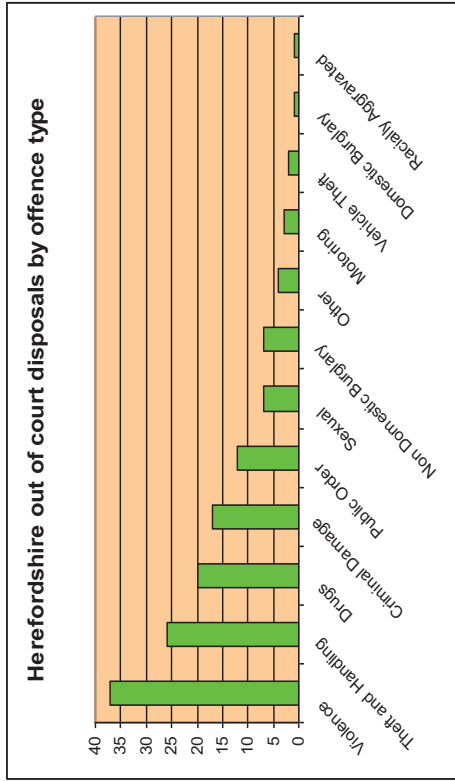
There are 16,810 young people aged 10 to 17 in Herefordshire. In 2013 there were 244 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Herefordshire young people. A total of 169 individual young people accounted for these 244 outcomes, 1% of the youth population.



Of the 169 young people entering or in the youth justice system in 2013, 75% were male. The majority, 74%, were aged 15 to 17 years. The peak age of offending for young males was 17 years and for young females 16 years.

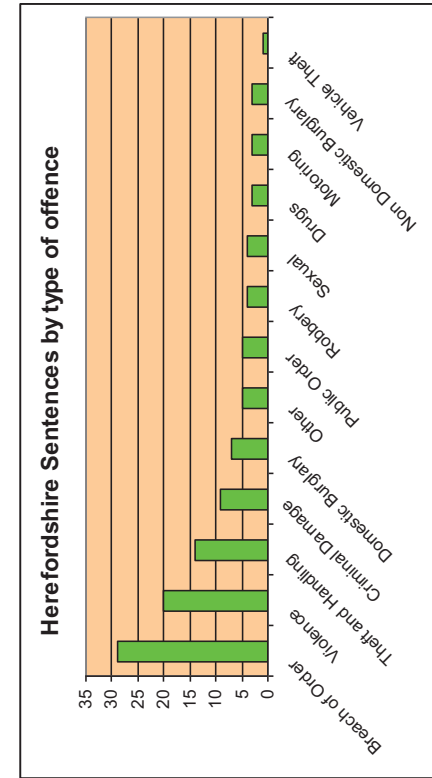
**Youth Offending Population – Young People Subject to Out of Court Disposals**

During 2013 there were a total of 137 pre-court disposals made on Herefordshire young people, 30 of these were Reprimands, 14 Final Warnings, 86 Youth Cautions and 7 Youth Conditional Cautions. The YOS is required to assess all young people made subject to Final Warnings, second and subsequent Youth Cautions and Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2013 intervention programmes were provided for 25 pre-court disposals.



The most frequently occurring primary offence for out of court disposals was violence against the person, 27%, followed by theft and handling, 19%, drug offences, 15%, criminal damage 12% and public order 9%.

### Youth Offending Population – Young People Subject to Court Outcomes



In 2013 a total of 57 Herefordshire young people accounted for 107 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 51 of the 107 court outcomes.

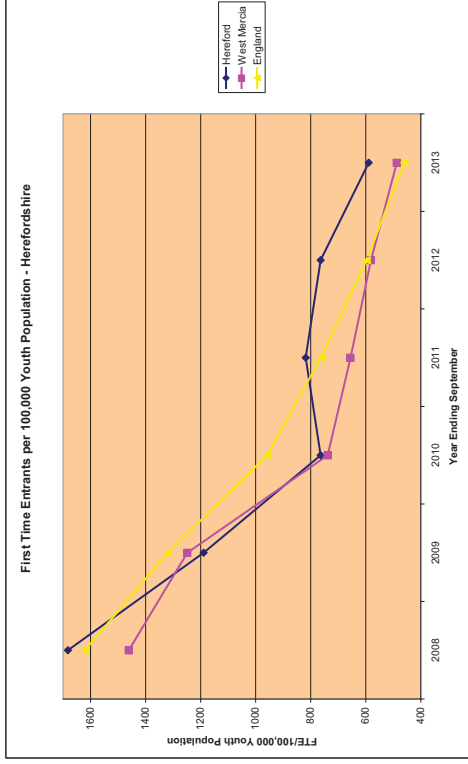
The majority, 88% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for just under half (49%) of young people receiving a court sentence.

The most frequently occurring primary offence for court sentences was breach of an order, accounting for 27% of all outcomes. Violence against the person was the next frequently occurring offence, 19%, followed by theft and handling, 13% and criminal damage 8%. These four categories of offences accounted for 67% of all sentencing outcomes.

## Performance Against National Indicators

### (i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (prior to 01.04.13 these were a Reprimand, Final Warning or Conviction, currently a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year ending September 2013 there were 589 first time entrants per 100,000 youth population in Herefordshire, representing a reduction of -65% since the year ending September 2008. This compares with a reduction for England of -71.6% and for West Mercia of -66.7% over the same period. The actual number of first time entrants in the year ending September 2013 is 99, compared to 309 in 2008.

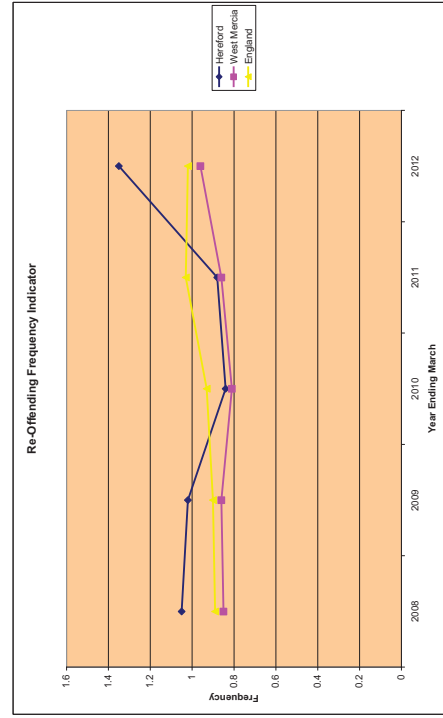
At 589 Herefordshire has the highest rate of FTEs across West Mercia, the next highest rate being 535. Some analysis into reasons for the higher has been undertaken during 13/14, and it has been found that in part it is due to a higher detection rate and a lower proportional use of informal disposals. Further analysis is planned for 14/15.

### (ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Herefordshire has, historically, had a low rate of custodial sentences.

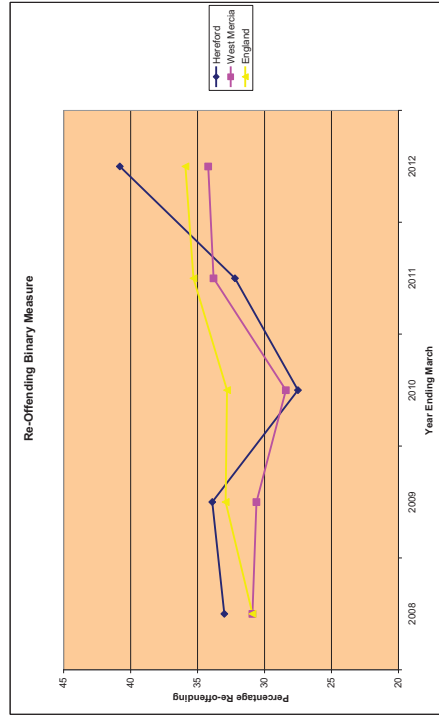
There were 5 custodial sentences during 2013, equating to a rate of 0.3 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2012 where there were 6 custodial sentences equating to a rate of 0.36. The 2013 rate of 0.3% compares to a West Mercia rate of 0.27 and a national rate of 0.67. Custodial sentences accounted for 4.2% of all court outcomes in Herefordshire, compared to 6.5% of all court outcomes across West Mercia.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending March 2012.

The frequency measure performance for Herefordshire for the year ending March 2012 is 1.35, compared to the West Mercia performance of 0.96 and national performance of 1.02. Herefordshire is, therefore, performing less well than for West Mercia and England, which is a changed picture from the year ending March 2011 when the frequency rate was 0.88 which was slightly better than for West Mercia (0.89) and significantly better than for England (1.03). The frequency rate nationally has been increasing since 2008.



For the year ending March 2012 the binary measure for Herefordshire is 40.8% compared with a West Mercia performance of 34.2% and a national performance of 35.4%. It should be noted, however, that although the frequency and binary rates have increased, the overall cohort sizes are decreasing year on year. In the year ending March 2008 there were 617 offenders in the cohort and 575 re-offences compared to a cohort size of 347 with 344 re-offences in 2012. The number of actual re-offences has therefore decreased by -40.2% between 2008 and 2012.

Increasing rates are national picture and the YJB has noted that there is currently little evidence as to why this is happening. It is thought that in part it is due to decreasing numbers in cohorts due to the diversion of first time offenders from the formal justice system, leaving a cohort of more serious and complex offenders who are more likely to re-offend. The YJB is continuing to work

with YOTs during 2014/15 in order to understand more what is driving the trend in performance and is launching a revised re-offending tool kit in the first quarter of 14/15 to assist YOTs in understanding better the characteristics of their cohorts.

Locally the West Mercia YOS conducted some analysis in 13/14, which showed that the nature of the cohorts had changed over time, with the proportion of offenders in the cohort subject to out of court disposal decreasing between 2008 and 2012 by 10 percentage points, whilst the proportion of those subject to community and custodial sentences increasing by 7 percentage points. Further analysis is planned in 2014/15 in order to inform more targeted work.

**Education, Training and Employment**

The YOS has previously measured whether a young person is in full time education, training or employment at the end of their order. The table below outlines the results for 2012/13.

	Herefordshire % in ETE	West Mercia % in ETE
Young People of School Age	79% (37)	73%
Young People above School Age	59%(37)	59%
Overall Performance	67%(74)	64%

The performance for Herefordshire for school age young people is better than for West Mercia, and the same for young people above school age.

It should be noted that those young people of school age not in full time education are not necessarily NEET, but are receiving an education provision which is not 25 hours a week.

**Looked After Children**

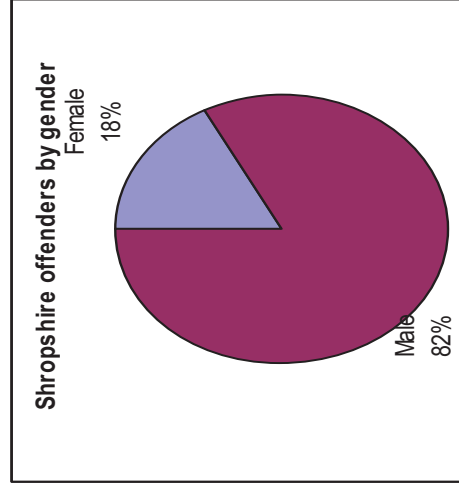
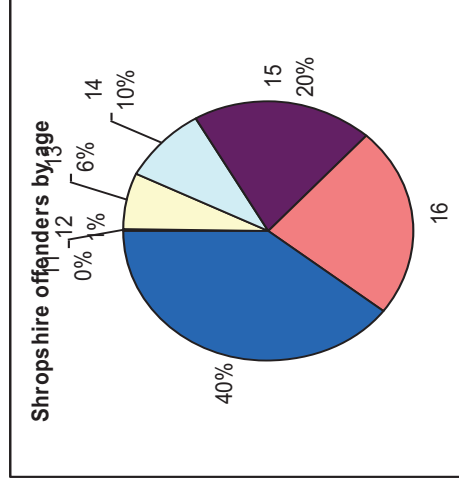
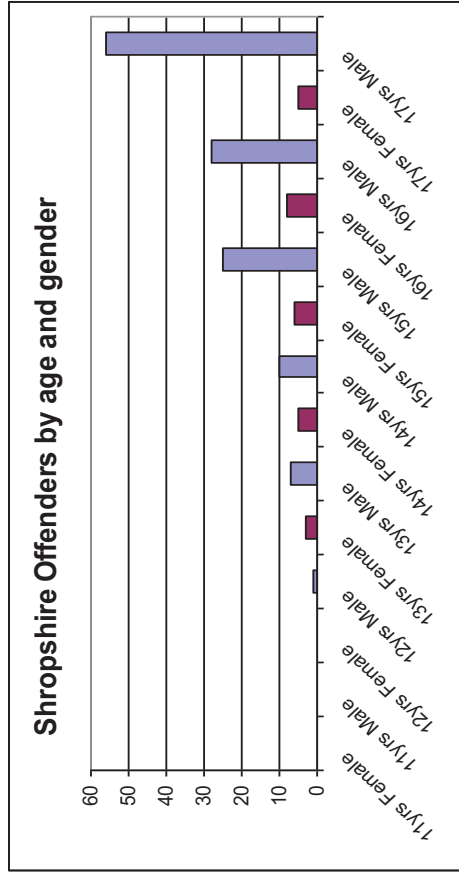
At the end of December 2013 an analysis of LAC on the YOS case load was undertaken. This showed that of the total case load of the Herefordshire YOS Team, 45% were looked after children. At this point in time 17% of the case load were LAC from other areas temporarily placed in Herefordshire.

The YOS Management Board established an operational reference group to analyse the issues between the YOS and Social Care in relation to LAC and Care Leavers and make operational recommendations in relation to joint working to improve the outcomes for LAC and Care Leavers who are in the youth justice system.

## APPENDIX 2 - AREA PROFILE – SHROPSHIRE

### Youth Offending Population – all Young People

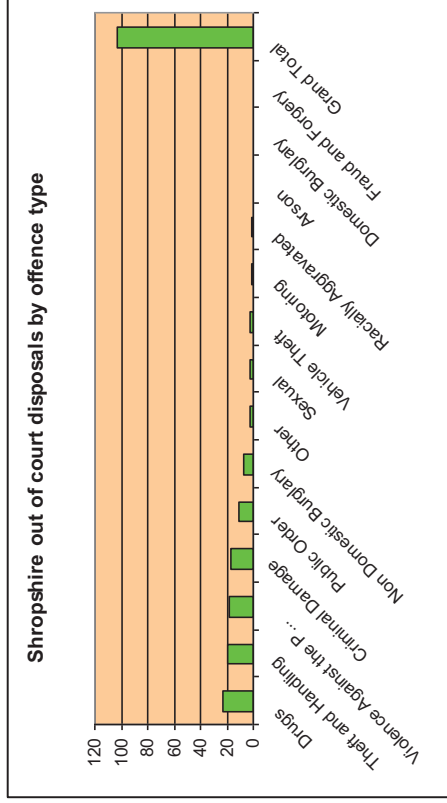
There are 28,909 young people aged 10 to 17 in Shropshire. In 2013 there were 177 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Shropshire young people. A total of 154 individual young people accounted for these 177 outcomes, 0.5% of the youth population.



Of the 154 young people entering or in the youth justice system in 2013, 82% were male. The majority, 83%, were aged 15 to 17 years. The peak age of offending for both young males was 17 years and for young females 16 years.

### Youth Offending Population – Young People Subject to Out of Court Disposals

During 2013 there were a total of 103 pre-court disposals made on Shropshire young people, 19 of these were Reprimands, 16 Final Warnings, 61 Youth Cautions and 7 Youth Conditional Cautions. The YOS is required to assess all young people made subject to Final Warnings, second and subsequent Youth Cautions and Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2013 intervention programmes were provided for 19 pre-court disposals.



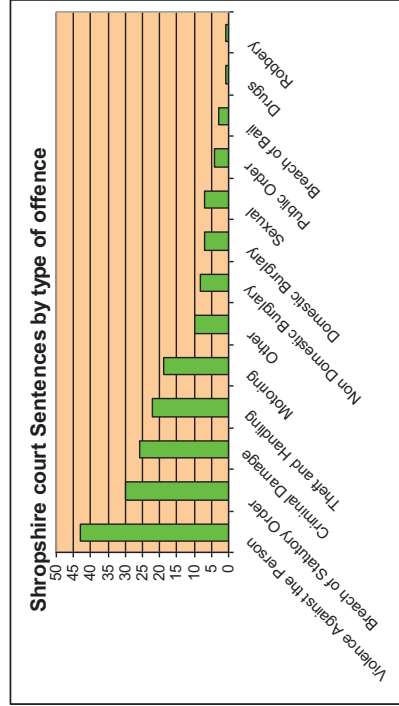
The most frequently occurring primary offence for out of court disposals were drug offences, 22%, followed by theft and handling, 18%, violence against the person, 17%, criminal damage 17% and public order 11%.

### Youth Offending Population – Young People Subject to Court Outcomes

In 2013 a total of 46 Shropshire young people accounted for 72 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 59 of the 72 court outcomes.

The majority, 94% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for just over half (51%) of young people receiving a court sentence.

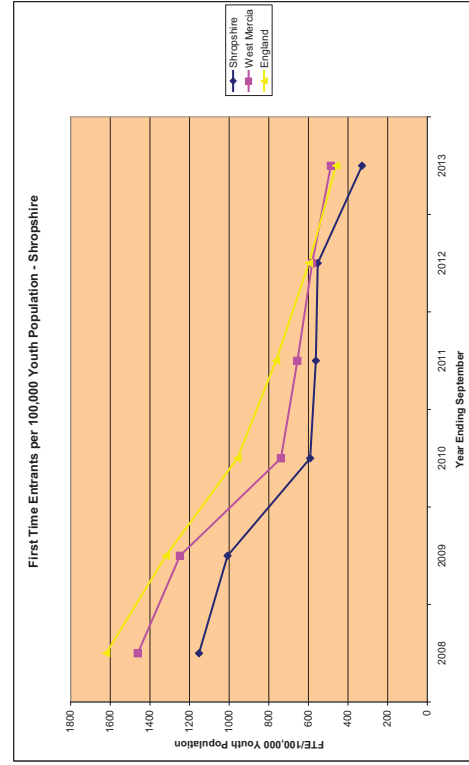
The most frequently occurring offence for court sentences was violence against the person, accounting for 24% of all outcomes. Breach of a statutory order was the next frequently occurring offence, 17%, followed by criminal damage, 14% and theft and handling 12%. These four categories of offences accounted for 67% of all sentencing outcomes.



## Performance Against National Indicators

### (i) First Time Entrants

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (prior to 01.04.13 these were a Reprimand, Final Warning or Conviction, currently a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate



In the year ending September 2013 there were 329 first time entrants per 100,000 youth population in Shropshire, representing a reduction of -71.4% since the year ending September 2008. This compares with a reduction for England of -71.6% and for West Mercia of -66.7% over the same period. The actual number of first time entrants in the year ending September 2013 is 95, compared to 359 in 2008.

At 329 Shropshire has the lowest rate of FTEs across West Mercia. This rate is significantly lower than the other areas in West Mercia with the next lowest rate being 504, and significantly lower than the previous year when the rate was 553. Analysis is planned for 14/15 in order to understand the factors that have contributed to the significant reduction in FTEs in Shropshire in the year ending September 2013.

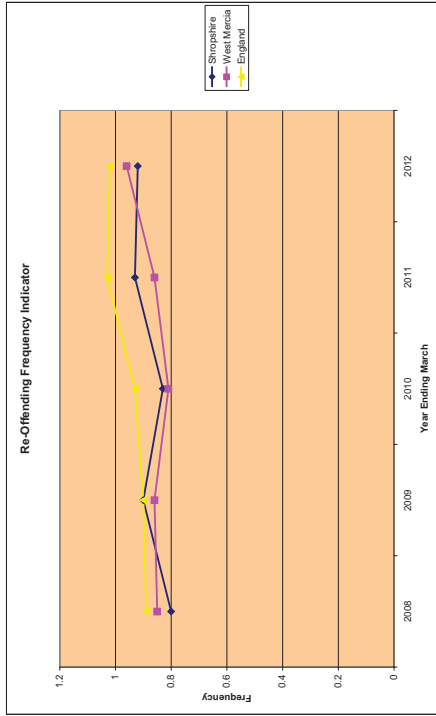
### (ii) Use of Custody

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Shropshire has, historically, had a low rate of custodial sentences.

There were 3 custodial sentences during 2013, equating to a rate of 0.1 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2012 where there were 5 custodial sentences equating to a rate of 0.17. The 2013 rate of 0.3% compares to a West Mercia rate of 0.27 and a national rate of 0.67. Custodial sentences accounted for 5.1% of all court outcomes in Shropshire, compared to 6.5% of all court outcomes across West Mercia.

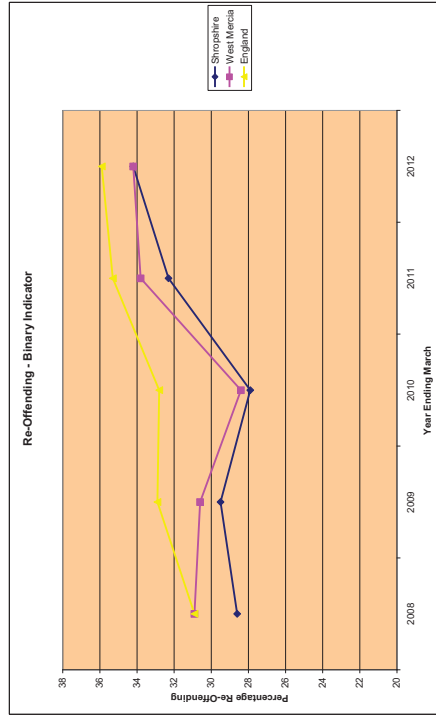


(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending March 2012.

The frequency measure performance for Shropshire for the year ending March 2012 is 0.92, compared to the West Mercia performance of 0.96 and national performance of 1.02. Shropshire is, therefore better than for West Mercia and England, which is a changed picture from the year ending March 2011 when the frequency rate was 0.93 which was slightly worse than for West Mercia (0.89) but better than for England (1.03). The frequency rate nationally has been increasing since 2008.



For the year ending March 2012 the binary measure for Shropshire is 34.2% which equals the West Mercia performance of 34.2% and is better than the national performance of 35.4%. It should be noted, however, that although the frequency and binary rates have increased since 2008, the overall cohort sizes are decreasing year on year. In the year ending March 2008 there were 709 offenders in the cohort and 570 re-offences compared to a cohort size of 304 with 279 re-offences in 2012. The number of actual re-offences has therefore decreased by -51% between 2008 and 2012.

Increasing rates are national picture and the YJB has noted that there is currently little evidence as to why this is happening. It is thought that in part it is due to decreasing numbers in cohorts due to the diversion of first time offenders from the formal justice system, leaving a cohort of more serious and complex offenders who are more likely to re-offend. The YJB is continuing to work

with YOTs during 2014/15 in order to understand more what is driving the trend in performance and is launching a revised re-offending tool kit in the first quarter of 14/15 to assist YOTs in understanding better the characteristics of their cohorts.

Locally the West Mercia YOS conducted some analysis in 13/14, which showed that the nature of the cohorts had changed over time, with the proportion of offenders in the cohort subject to out of court disposal decreasing between 2008 and 2012 by 10 percentage points, whilst the proportion of those subject to community and custodial sentences increasing by 7 percentage points. Further analysis is planned in 2014/15 in order to inform more targeted work.

**Education, Training and Employment**

The YOS has previously measured whether a young person is in full time education, training or employment at the end of their order. The table below outlines the results for 2012/13.

	Shropshire % in ETE	West Mercia % in ETE
Young People of School Age	67% (16)	73%
Young People above School Age	77% (27)	59%
Overall Performance	73% (43)	64%

The performance for Shropshire for school age young people is slightly lower than for West Mercia, but for young people above school age is significantly better.

It should be noted that those young people of school age not in full time education are not necessarily NEET, but are receiving an education provision which is not 25 hours a week.

**Looked After Children**

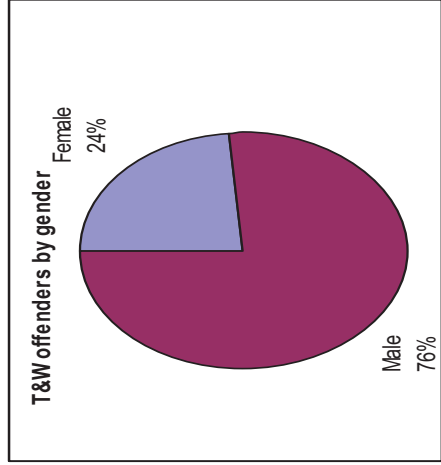
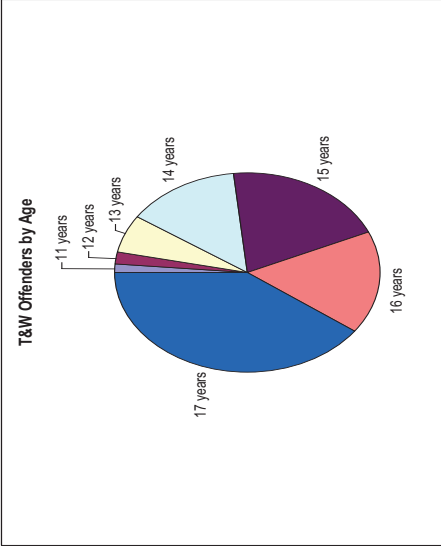
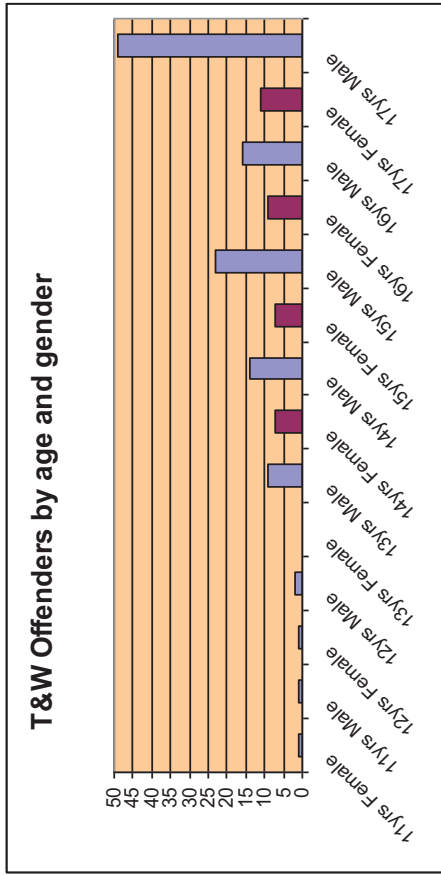
At the end of December 2013 an analysis of LAC on the YOS case load was undertaken. This showed that of the total case load of the Shropshire YOS Team, 50% were looked after children. At this point in time 31% of the case load were LAC from other areas temporarily placed in Shropshire.

The YOS Management Board established an operational reference group to analyse the issues between the YOS and Social Care in relation to LAC and Care Leavers and make operational recommendations in relation to joint working to improve the outcomes for LAC and Care Leavers who are in the youth justice system.

### APPENDIX 3 - AREA PROFILE – TELFORD AND WREKIN

#### Youth Offending Population – all Young People

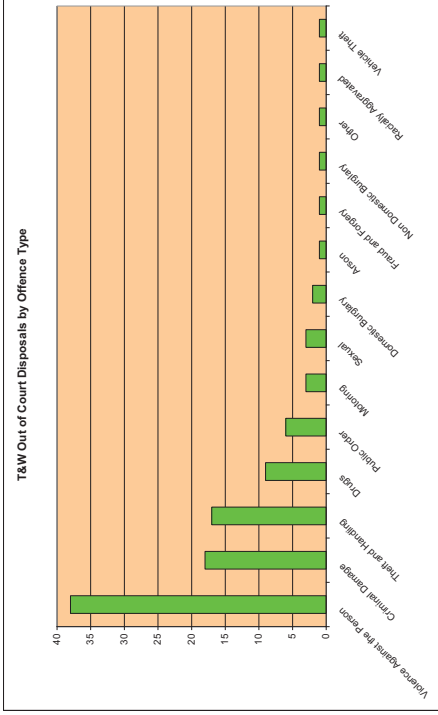
There are 17,072 young people aged 10 to 17 in Telford and Wrekin. In 2013 there were 160 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Telford and Wrekin young people. A total of 150 individual young people accounted for these 160 outcomes, 0.9% of the youth population.



Of the 150 young people entering or in the youth justice system in 2013, 76% were male. The majority, 77%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 17 years.

#### Youth Offending Population – Young People Subject to Out of Court Disposals

During 2013 there were a total of 102 pre-court disposals made on Telford and Wrekin young people, 9 of these were Reprimands, 13 Final Warnings, 72 Youth Cautions and 8 Youth Conditional Cautions. The YOS is required to assess all young people made subject to Final Warnings, second and subsequent Youth Cautions and Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2013 intervention programmes were provided for 25 pre-court disposals.



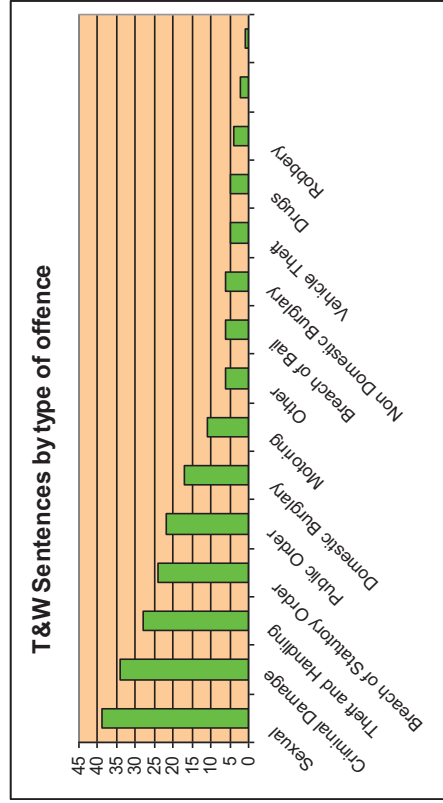
The most frequently occurring primary offence for out of court disposals was violence against the person, 37%, followed by criminal damage, 18%, theft and handling, 17%, drug offences 9% and public order 6%.

### Youth Offending Population – Young People Subject to Court Outcomes

In 2013 a total of 43 Telford and Wrekin young people accounted for 55 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 45 of the 55 court outcomes.

The majority, 85% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for half (50%) of young people receiving a court sentence.

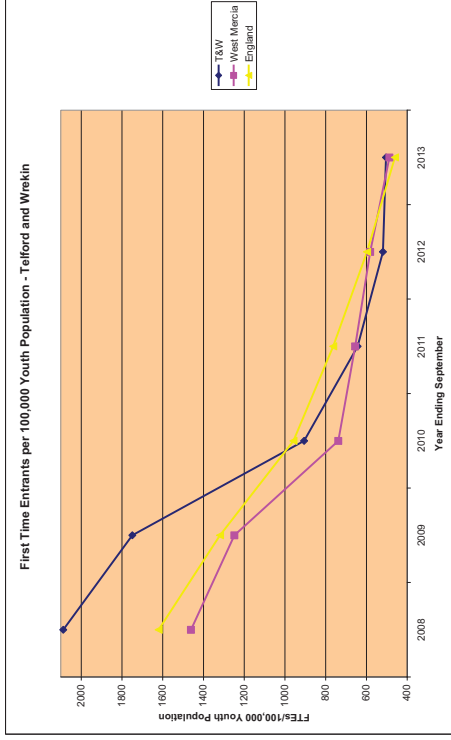
The most frequently occurring offence for court sentences was violence against the person, accounting for 19% of all outcomes. Sexual offences were the next most frequently occurring offences, 16%, followed by criminal damage, 13% and theft and handling 11%. These four categories of offences accounted for 59% of all sentencing outcomes.



**Performance Against National Indicators**

**(i) First Time Entrants**

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (prior to 01.04.13 these were a Reprimand, Final Warning or Conviction, currently a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year ending September 2013 there were 504 first time entrants per 100,000 youth population in Telford and Wrekin, representing a reduction of -75.6% since the year ending September 2008. This compares with a reduction for England of -71.6% and for West Mercia of -66.7% over the same period. The actual number of first time entrants in the year ending September 2013 is 86, compared to 381 in 2008.

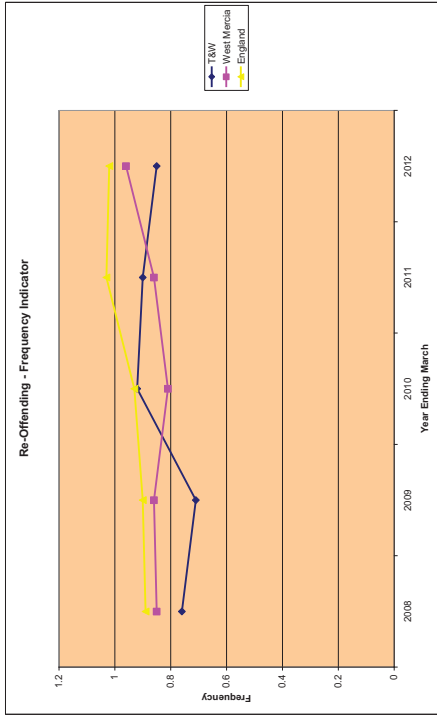
At 504 Telford and Wrekin has second lowest rate of FTEs across West Mercia, the next highest rate being 535 and the highest 589.

**(ii) Use of Custody**

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Telford and Wrekin has, historically, had a low rate of custodial sentences.

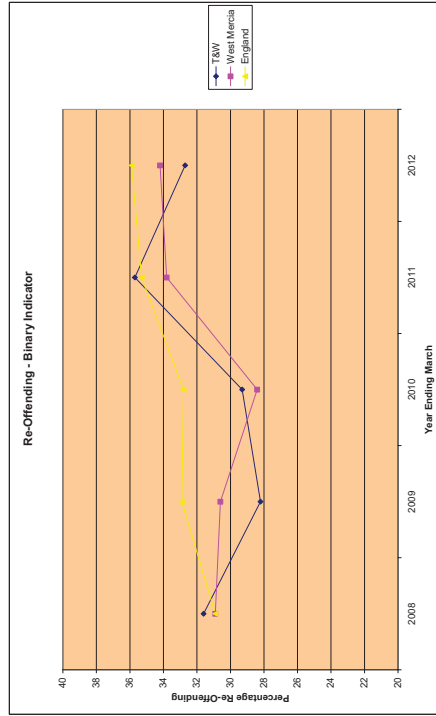
There were 8 custodial sentences during 2013, equating to a rate of 0.48 custodial sentences per 1000 youth population this represents a slight increase in custodial sentences from 2012 where there were 6 custodial sentences equating to a rate of 0.35. The 2013 rate of 0.48% compares to a West Mercia rate of 0.27 and a national rate of 0.67. Custodial sentences accounted for 14% of all court outcomes in Telford and Wrekin, compared to 6.5% of all court outcomes across West Mercia.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending March 2012.

The frequency measure performance for Telford and Wrekin for the year ending March 2012 is 0.85, compared to the West Mercia performance of 0.96 and national performance of 1.02. Telford and Wrekin is, therefore, performing better than for West Mercia and England. The performance is an improvement compared to the year ending March 2011 when the frequency rate was 0.90 which was in line with West Mercia performance (0.89) and significantly better than for England (1.03).



For the year ending March 2012 the binary measure for Telford and Wrekin is 32.7% compared with a West Mercia performance of 34.2% and a national performance of 35.4%. It should be noted the overall cohort sizes are decreasing year on year. In the year ending March 2008 there were 709 offenders in the cohort and 570 re-offences compared to a cohort size of 304 with 279 re-offences in 2012. The number of actual re-offences have therefore decreased by -51% between 2008 and 2012.

Increasing rates are national picture and the YJB has noted that there is currently little evidence as to why this is happening. It is thought that in part it is due to decreasing numbers in cohorts due to the diversion of first time offenders from the formal justice system, leaving a cohort of more serious and complex offenders who are more likely to re-offend. The YJB is continuing to work with YOTs during 2014/15 in order to understand more what is driving the trend in performance and is launching a revised re-offending tool kit in the first quarter of 14/15 to assist YOTs in understanding better the characteristics of their cohorts.

Locally the West Mercia YOS conducted some analysis in 13/14, which showed that the nature of the cohorts had changed over time, with the proportion of offenders in the cohort subject to out of court disposal decreasing between 2008 and 2012 by 10 percentage points, whilst the proportion of those subject to community and custodial sentences increasing by 7 percentage points. Further analysis is planned in 2014/15 in order to inform more targeted work.

### Education, Training and Employment

The YOS has previously measured whether a young person is in full time education, training or employment at the end of their order. The table below outlines the results for 2012/13.

	Telford % in ETE	West Mercia % in ETE
Young People of School Age	77% (40)	73%
Young People above School Age	73% (47)	59%
Overall Performance	75% (87)	64%

The performance for Telford and Wrekin for both school age young people, and those above school age is better than for West Mercia.

It should be noted that those young people of school age not in full time education are not necessarily NEET, but are receiving an education provision which is not 25 hours a week.

### Looked After Children

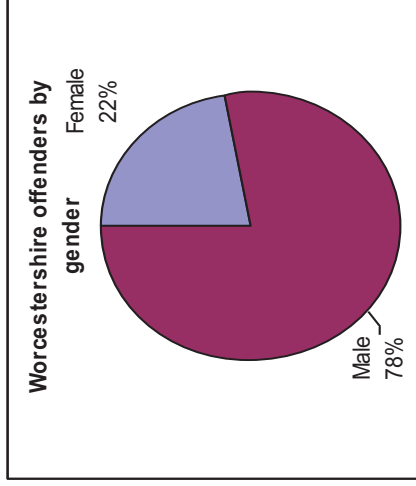
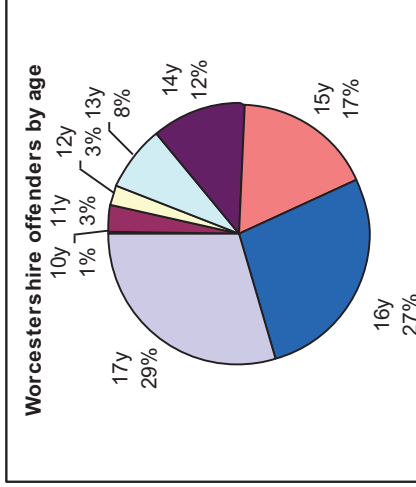
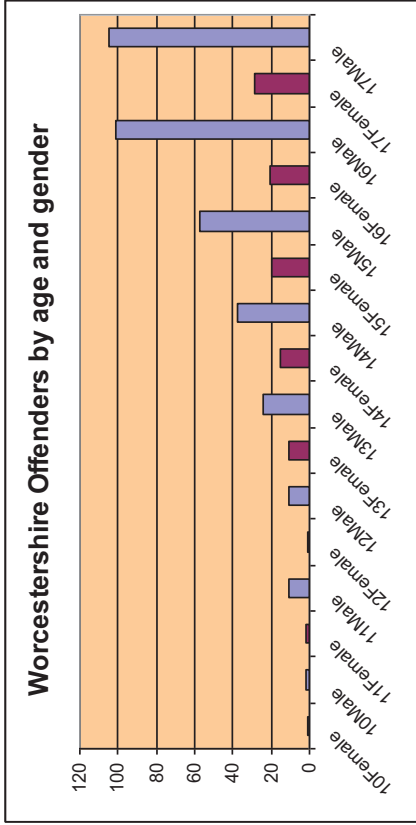
At the end of December 2013 an analysis of LAC on the YOS case load was undertaken. This showed that of the total case load of the Telford and Wrekin YOS Team, 47% were looked after children. At this point in time 17% of the case load were LAC from other areas temporarily placed in Telford and Wrekin.

The YOS Management Board established an operational reference group to analyse the issues between the YOS and Social Care in relation to LAC and Care Leavers and make operational recommendations in relation to joint working to improve the outcomes for LAC and Care Leavers who are in the youth justice system.

**APPENDIX 4 - AREA PROFILE – WORCESTERSHIRE**

**Youth Offending Population – all Young People**

There are 52,280 young people aged 10 to 17 in Worcestershire. In 2013 there were 561 youth justice sanctions (youth cautions, youth conditional cautions or convictions) made on Worcestershire young people. A total of 449 individual young people accounted for these 561 outcomes, 0.86% of the youth population.

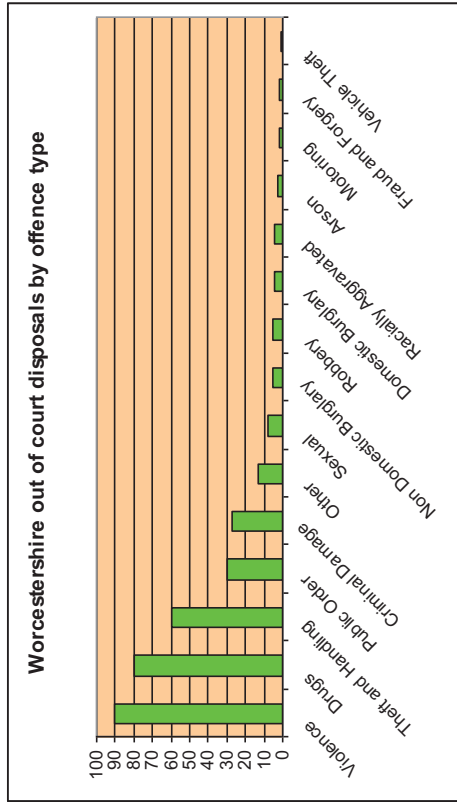


Of the 449 young people entering or in the youth justice system in 2013, 78% were male. The majority, 74%, were aged 15 to 17 years. The peak age of offending for both young males and young females was 17 years.

**Youth Offending Population – Young People Subject to Out of Court Disposals**

During 2013 there were a total of 334 pre-court disposals made on Worcestershire young people, 47 of these were Reprimands, 19 Final Warnings, 252 Youth Cautions and 16 Youth Conditional Cautions. The YOS is required to assess all young people made subject to Final Warnings, second and subsequent Youth Cautions and Youth Conditional Cautions and if assessed appropriate provide a programme of intervention, in 2013 intervention programmes were provided for 79 pre-court disposals.





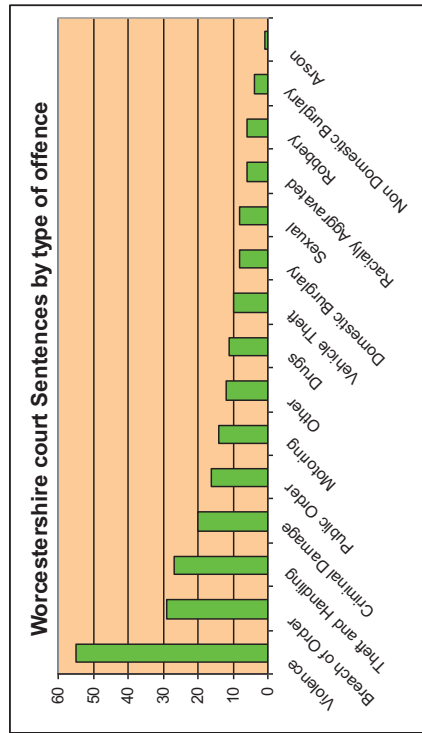
The most frequently occurring primary offence for out of court disposals was violence against the person, 27%, followed by drug offences, 24%, theft and handling, 18%, public order 9% and criminal damage 8%.

### Youth Offending Population – Young People Subject to Court Outcomes

In 2013 a total of 158 Worcestershire young people accounted for 227 court outcomes. Orders requiring YOS interventions (Referral Orders, YROs and Custodial sentences) accounted for 165 of the 227 court outcomes.

The majority, 86% of young people receiving court sentences were aged 15 to 17, with 17 year olds accounting for 39% of young people receiving a court sentence.

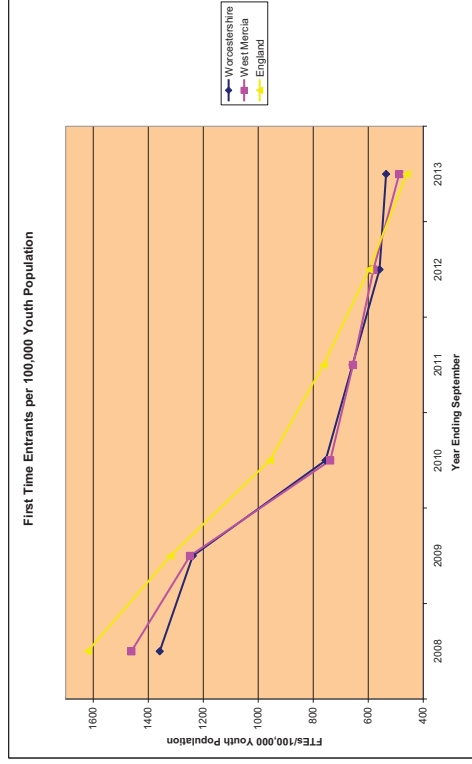
The most frequently occurring primary offence for court sentences was violence against the person, accounting for 24% of all outcomes. Breach of a statutory order was the next frequently occurring offence, 13%, followed by theft and handling, 12% and theft and criminal damage 9%. These four categories of offences accounted for 58% of all sentencing outcomes.



**Performance Against National Indicators**

**(i) First Time Entrants**

The first time entrant measure is expressed as the number of first time entrants per 100,000 of 10 to 17 year old population. First time entrants are those young people receiving a first formal youth justice sanction (prior to 01.04.13 these were a Reprimand, Final Warning or Conviction, currently a Youth Caution, Conditional Caution or Conviction). Good performance is indicated by a lower rate.



In the year ending September 2013 there were 535 first time entrants per 100,000 youth population in Worcestershire, representing a reduction of -61% since the year ending September 2008. This compares with a reduction for England of -71.6% and for West Mercia of -66.7% over the same period. The actual number of first time entrants in the year ending September 2013 is 280, compared to 774 in 2008.

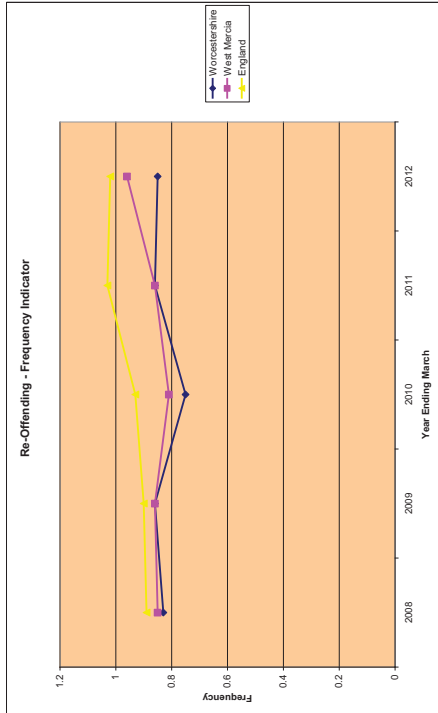
At 535 Worcestershire has the second highest rate of FTEs across West Mercia, the highest rate being 589.

**(ii) Use of Custody**

The use of custody measure is expressed as the number of custodial sentences per 1,000 of 10 to 17 year population, a lower rate indicates better performance. Worcestershire has, historically, had a low rate of custodial sentences.

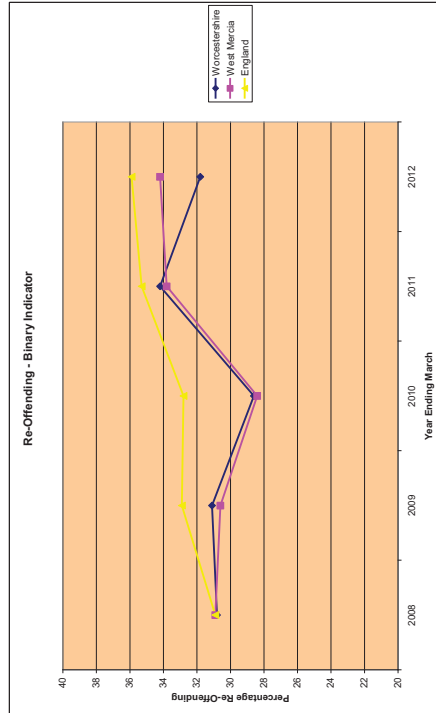
There were 14 custodial sentences during 2013, equating to a rate of 0.27 custodial sentences per 1000 youth population this represents a reduction in custodial sentences from 2012 where there were 25 custodial sentences equating to a rate of 0.48. The 2013 rate of 0.27% is in line with the West Mercia rate of 0.27 and is better than the national rate of 0.67. Custodial sentences accounted for 5.2% of all court outcomes in Worcestershire, compared to 6.5% of all court outcomes across West Mercia.

(iii) Re-Offending



There are two re-offending measures, both measuring re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed the young person in the cohort. The first, the frequency measure, is the average number of re-offences per offender in the cohort. The second measure, the binary measure, is the percentage of the offenders in the cohort re-offending. In both cases a lower rate denotes better performance. The most recent data for the re-offending measure is for the year ending March 2012.

The frequency measure performance for Worcestershire for the year ending March 2012 is 0.85, compared to the West Mercia performance of 0.96 and national performance of 1.02. Worcestershire is, therefore, better than for West Mercia and England. The performance is slightly better than for 2012 when it was 0.86 and apart from 2010 has remained fairly constant since 2008.



For the year ending March 2012 the binary measure for Worcestershire is 31.8% compared with a West Mercia performance of 34.2% and a national performance of 35.4%. This represents improved performance since 2012 when it was 34.2. It should also be noted that the overall cohort sizes are decreasing year on year. In the year ending March 2008 there were 1142 offenders in the cohort and 1331 re-offences compared to a cohort size of 585 with 497 re-offences in 2012. The number of actual re-offences has therefore decreased by -63% between 2008 and 2012.

Increasing rates are national picture and the YJB has noted that there is currently little evidence as to why this is happening. It is thought that in part it is due to decreasing numbers in cohorts due to the diversion of first time offenders from the formal justice system, leaving a cohort of more serious and complex offenders who are more likely to re-offend. The YJB is continuing to work with YOTs during 2014/15 in order to understand more what is driving the trend in performance and is launching a revised re-offending tool kit in the first quarter of 14/15 to assist YOTs in understanding better the characteristics of their cohorts.

Locally the West Mercia YOS conducted some analysis in 13/14, which showed that the nature of the cohorts had changed over time, with the proportion of offenders in the cohort subject to out of court disposal decreasing between 2008 and 2012 by 10 percentage points, whilst the proportion of those subject to community and custodial sentences increasing by 7 percentage points. Further analysis is planned in 2014/15 in order to inform more targeted work.

**Education, Training and Employment**

The YOS has previously measured whether a young person is in full time education, training or employment at the end of their order. The table below outlines the results for 2012/13.

	Worcestershire % in ETE	West Mercia % in ETE
Young People of School Age	69% (66)	73%
Young People above School Age	50% (87)	59%
Overall Performance	57% (153)	64%

The performance for Worcestershire is slightly lower than for West Mercia.

It should be noted that those young people of school age not in full time education are not necessarily NEET, but are receiving an education provision which is not 25 hours a week.

**Looked After Children**

At the end of December 2013 an analysis of LAC on the YOS case load was undertaken. This showed that of the total case load of the Worcestershire YOS Teams, 25% were looked after children. At this point in time 4% of the case load were LAC from other areas temporarily placed in Worcestershire.

The YOS Management Board established an operational reference group to analyse the issues between the YOS and Social Care in relation to LAC and Care Leavers and make operational recommendations in relation to joint working to improve the outcomes for LAC and Care Leavers who are in the youth justice system.

<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>23 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Review Of The Implementation Of The Licensing Policy And Cumulative Impact Policy - Licensing Act 2003</b>
<b>REPORT BY</b>	<b>Director for Economy, Communities and Corporate</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Key Decision**

This is not an executive decision.

### **Purpose**

- (a) To consider the adoption of the draft licensing policy to be used by Herefordshire Council in respect to carrying out its functions under the Licensing Act 2003
- (b) To consider the adoption of a draft special licensing policy for the cumulative impact of premises in the vicinity of Hereford city.

### **Recommendation**

**THAT:** the draft policies appended to the report, incorporating amendments proposed at paragraph 11 of the report, be approved for consultation.

### **Alternative Options**

- 1 a) To agree the statements of policy as published and agree the consultation programme
- b) To recommend only the main policy but to refuse to recommend the 'special policy'
- c) To make amendments to the proposed policy/policies
- d) To refuse to recommend any of the policies
- e) To reach some other decision

## Reasons for Recommendations

2. The revised policy 2013-2019 retains the vast majority of the current policy, but has been updated to reflect changes following the legislation having been amended. The introduction of a special policy (cumulative impact policy) is not mentioned in the act but is covered by the Guidance issued to Local Authorities under Section 182 of the Act.

## Key Considerations

3. Section 4 of the Licensing Act 2003 requires the licensing authority to carry out its functions under the Act with a view to promoting the following licensing objectives:-
  - a) the prevention of crime and disorder;
  - b) public safety;
  - c) the prevention of public nuisance
  - d) the protection of children from harm.
4. Section 182 of the Act requires the secretary of state to issue guidance for licensing authorities on the discharge of their functions under the Act.
5. However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. (*Guidance issued under section 182 of the Licensing Act 2003 Para 1.12*)
6. Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
7. "Cumulative impact" is not specifically mentioned in the Act but means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town or city centre is a large concentration of licensed premises in that part of the local licensing authority area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its policy statement.
8. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:
  - local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - residents' questionnaires;
  - evidence from local councillors; and
  - evidence obtained through local consultation
9. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations will

normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

10. West Mercia Police have made representations that they wished the areas shown within the 'special policy' to be included and have provided evidence to support this request.
11. The Regulatory Committee considered the draft policies on 12 September 2014. The Committee recommended the following amendments:
  - (a) the hyperlinks within the document are tested prior to consultation by the licensing department.
  - (b) the words 'Hereford Journal' at paragraph 7.4 is replaced with 'or in other local press publications'.
  - (c) the word 'could' at paragraph 22.19 is replaced with the word 'should'.
  - (d) that consideration be given to the role of the designated premises supervisor as set out at paragraph 8.10 of the policy. The Assistant Director Governance, after consultation with the Chairman of the Committee, proposes the following wording is added after the final sentence of paragraph 8.10 of the policy: *"Designated Premises Supervisors of public houses, bars and nightclubs operating in city and town centre leisure areas shall be immediately contactable by text or radio pager if they are not on their premises during licensing hours."*

## **Community impact**

12. The statement is likely to have some impact on the community.

## **Equality and Human Rights**

13. There are no equality or human rights issues in relation to the content of this report.

## **Legal implications**

14. The Licensing policy has been drafted to reflect current legislative requirements. All applications for licences, changes to licences, temporary event notices and personal licences have to be made and determined in accordance with the legislation. However where discretion is allowed then the authority must consider the guidance issued under Section 182 of the Act and their licensing policy in reaching their decision. Under the relevant legislation, the authority must have in place a relevant policy. Failure to do so would leave the authority in breach and open to challenge.

## **Risk management**

15. Failure to reach a decision would mean that the licensing authority could not carry out its function under the Licensing Act.

## Financial implications

- 16 The licensing section is required to operate the function on a full cost recovery basis. The fees for Licensing Act applications are set by central government. A robust policy which is fit for purpose is essential if full cost recovery is to be monitored and maintained.

## Consultation

- 17 Before determining the policy the licensing authority must consult –

The chief officer of police for the licensing authority's area.

The fire authority for that area,

Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority.

Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,

Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and

Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

- 18 The consultation document will be published on the council website.

- 19 Consultation will also take place by:-

Publishing notices in the local press.

Writing to all premises licensed under the Licensing Act 2003

Notifying local members.

Writing to local organisations acting on behalf of young people and children.

Writing to parish councils

- 20 The responses will be collated and made available to Members following the consultation process. A summary will be presented to Council. If no responses are received Members can agree the policy be implemented.

## Appendices

Draft statement of Licensing policy

## Background Papers

- None





# The Licensing Act 2003

## Herefordshire Council: Statement of Licensing Policy 2013/2018



## Environmental Health & Trading Standards

**COMING INTO EFFECT XXXXXX**

**LICENSING SECTION**

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## CONTENTS

<b>Forward</b>	<b>Foreword By Councillor Alan Seldon Chair Of Licensing Committee</b>	
<b>1</b>	<b>Introduction</b>	<b>1 – 3</b>
<b>2</b>	<b>Scope of this Policy</b>	<b>4 – 5</b>
<b>3</b>	<b>Policy Consultation and Review</b>	<b>6</b>
<b>4</b>	<b>Determinations of Applications</b>	<b>7</b>
<b>5</b>	<b>Administration, Exercise and Delegation</b>	<b>8 – 10</b>
<b>6</b>	<b>Responsible Authorities, Any other person and Representations</b>	<b>11– 12</b>
	<b>6.6 Relevant Representation</b>	<b>12 – 13</b>
<b>7</b>	<b>Application Consultation</b>	<b>16 – 18</b>
<b>8</b>	<b>Premises Licence</b>	<b>19 – 24</b>
	<b>8.1 New Applications</b>	<b>19 – 21</b>
	<b>8.7 Variations to existing Premises Licences</b>	<b>21</b>
	<b>8.10 Designated Premises Supervisor</b>	<b>21</b>
	<b>8.13 Wholesale of Alcohol</b>	<b>22</b>
	<b>8.15 Internet and mail order sales</b>	<b>22</b>
	<b>8.15 Regulated Entertainment</b>	<b>22</b>
	<b>8.17 Late Night Refreshment</b>	<b>23</b>
	<b>8.17 Bingo Clubs</b>	<b>23</b>
	<b>8.18 Petrol Stations</b>	<b>23</b>
	<b>8.19 Vehicles and Moveable Structures</b>	<b>23</b>
	<b>8.20 Vessels and Ships</b>	<b>24</b>
	<b>8.21 Sports Grounds</b>	<b>24</b>
	<b>8.22 Hotel Mini Bars</b>	<b>24</b>
<b>9</b>	<b>Club Premises Certificates</b>	<b>25</b>
<b>10</b>	<b>Provisional Statements</b>	<b>26</b>
<b>11</b>	<b>Conditions on Premises Licences and Club Premises Certificates</b>	<b>27</b>
<b>12</b>	<b>Film Classification</b>	<b>28 – 29</b>
<b>13</b>	<b>Hours of Licensed Activities</b>	<b>30 – 31</b>
<b>14</b>	<b>Opening Hours</b>	<b>32</b>

<b>15</b>	<b>Personal Licences</b>	<b>33</b>
<b>16</b>	<b>Temporary Event Notices</b>	<b>34 – 35</b>
<b>17</b>	<b>Appeals</b>	<b>36</b>
<b>18</b>	<b>Reviews and Complaints About Licensed Premises</b>	<b>37 – 39</b>
	<b>18.4 Failed Test Purchases</b>	<b>38</b>
	<b>18.7 Premises Persistently Selling</b>	<b>38</b>
	<b>18.8 Crime and Disorder</b>	<b>38</b>
	<b>18.9 Reviews launched by members of the public</b>	<b>39</b>
<b>19</b>	<b>Enforcement Policy</b>	<b>40</b>
<b>20</b>	<b>Prevention Of Crime and Disorder</b>	<b>41 – 51</b>
	<b>20.1 General</b>	<b>41</b>
	<b>20.5 Training</b>	<b>42</b>
	<b>20.9 Designated premises supervisor (DPS)</b>	<b>42</b>
	<b>20.10 Risk Assessment for the Police</b>	<b>42</b>
	<b>20.12 Behaviour of Customers Outside Licensed Premises</b>	<b>43</b>
	<b>20.14 Door Supervisors</b>	<b>43</b>
	<b>20.17 Incident Report Book</b>	<b>44</b>
	<b>20.18 Radios</b>	<b>44</b>
	<b>20.23 The use of glass in licensed premises</b>	<b>45</b>
	<b>20.28 CCTV</b>	<b>46</b>
	<b>20.32 Open containers not to be taken from the premises</b>	<b>48</b>
	<b>20.33 Capacity limits</b>	<b>48</b>
	<b>20.35 Proof of age cards</b>	<b>48</b>
	<b>20.36 Crime prevention notices</b>	<b>48</b>
	<b>20.37 Signage</b>	<b>48</b>
	<b>20.39 High Volume Vertical Drinking</b>	<b>49</b>
	<b>20.41 Premises in vicinity of Hereford United – Football Club</b>	<b>49</b>
	<b>20.43 Adult Entertainment &amp; Services</b>	<b>50 – 51</b>

<b>21</b>	<b>Public Safety</b>	<b>52 – 58</b>
	21.1 General	52 – 53
	21.7 Safer Clubbing Guide	53 – 54
	21.11 Safety Advisor Group	54
	21.12 Escape Routes	54
	21.13 Safety Checks	54
	21.14 Capacity limits	55
	21.15 Emergency action notices	55
	21.16 Access for emergency vehicles	55
	21.17 First Aid	55
	21.18 Lighting	56
	21.19 Temporary electrical installations	56
	21.20 Indoor sporting events	56
	21.21 Alterations to the premises	57
	21.22 Special effects	57
	21.23 Theatres, cinemas, concert halls and similar places	58
<b>22</b>	<b>Prevention of Public Nuisance</b>	<b>59 – 63</b>
	22.1 General	59
	22.5 Planning	60
	22.15 Management and control of customers	61
	22.16 Hours	61
	22.18 Noise and vibration	62
	22.19 Litter	62
	22.20 Noxious smells	63
	22.21 Light Pollution	63
<b>23</b>	<b>The Protection of Children from Harm</b>	<b>64 – 76</b>
	23.1 General	64 – 67
	23.15 Adult Entertainment Services	68 – 69
	23.18 Access for children to licensed premises – in general	69
	23.19 Access to live/recorded music by children/young persons	70

	<b>23.24</b>	<b>Exhibition of Films</b>	<b>71 – 72</b>
	<b>23.27</b>	<b>Theatres</b>	<b>72</b>
	<b>23.29</b>	<b>Performances especially for children</b>	<b>73</b>
	<b>23.32</b>	<b>Children in performances</b>	<b>73</b>
	<b>23.33</b>	<b>Challenge 25</b>	<b>74 – 76</b>
<b>24</b>		<b>Information Sharing</b>	<b>77</b>
	<b>24.1</b>	<b>Licensing Act 2003</b>	<b>77</b>
	<b>24.2</b>	<b>Data Protection Act</b>	<b>77</b>
	<b>24.4</b>	<b>Requests for Information</b>	<b>77</b>
<b>25</b>		<b>Other references &amp; Guidance</b>	<b>78 – 79</b>
<b>26</b>		<b>Other Policies and Objectives</b>	<b>80 – 84</b>
	<b>26.4</b>	<b>The Human Rights Act 1988</b>	<b>81</b>
	<b>26.5</b>	<b>The Disability Discrimination Act 1995</b>	<b>81</b>
	<b>26.6</b>	<b>Herefordshire’s Race Equality Strategy</b>	<b>82</b>
	<b>26.7</b>	<b>Government Drinking Strategy</b>	<b>82</b>
	<b>26.8</b>	<b>Herefordshire’s Crime &amp; Disorder Strategy</b>	<b>83</b>
	<b>26.9</b>	<b>Government &amp; Police Guidance for Clubs and other licensed premises</b>	<b>83</b>
	<b>26.10</b>	<b>Tourism &amp; Employment</b>	<b>83</b>
	<b>26.11</b>	<b>Fire Protocol</b>	<b>83</b>
	<b>26.12</b>	<b>Planning Permissions</b>	<b>83 – 84</b>
		<b>ANNEX 1 - SPECIAL CUMULATIVE IMPACT POLICY</b>	<b>85 – 92</b>
		<b>Index</b>	

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## **FOREWORD BY COUNCILLOR ALAN SELDON, CHAIR OF LICENSING COMMITTEE (TO BE AGREED/AMENDED BY CLLR HOPE)**

This is the fourth Statement of Licensing Policy produced by the Herefordshire Council as the Licensing Authority under the Licensing Act 2003. It is a legal requirement that this policy should be reviewed at least every five years or more frequently if required.

Over the preceding three policies the act has continued to evolve and in some respect matters have become clearer whilst in others what appeared to be clear has been diluted through legal challenge. We have seen an attempt by this government to try and re-balance the Act though bringing about changes in the legislation. We have seen major changes in relation to Temporary Event Notices which have now included the right for an Environmental Health Officer to object as well as the power for the Police and Public Health Authority to add conditions. The Licensing Authority along with the Health Authority has now become responsible authorities. It is encouraging to see that Hereford City and the market towns are still considered to be safe environments in which to socialise. I cannot help but feel that this has been achieved through the hard work of the police and the Licensing Authority who endeavour to achieve the right balance in respect of all matters.

The scope of this Policy covers the following:

- Retail sales of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The purpose of the Statement is to set out the policies and procedures that Herefordshire will apply in relation to its functions under the Act, most



particularly regarding applications for new licences, applications to vary existing licences, applications to review licences and Temporary Event Notices.

Everything the Council does is underpinned by the requirement to promote the four licensing objectives. These four fundamental objectives are:

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

All parties have a duty to promote these objectives and we will continue to work closely with statutory responsible authorities, licence holders and their staff, SIA door staff and any other person to include members of the public. The Policy highlights the need for those operating licensed premises to be aware of the effect their premises may have on local residents and to make every effort to minimise anything that adversely affects residents' quality of life.

We will expect anyone appearing in front of a Licensing Sub-Committee to be fully aware of the terms of this policy in order to show that they too, are fulfilling their statutory duty to promote the licensing objectives.

In particular, in reviewing its Licensing Policy the Council consulted on whether there was a need to continue with or indeed extend the Cumulative Impact Policy in relation to Hereford City. In essence this decision applies a presumption against extending or granting licences or Temporary Event Notices in the areas to which the policy applies. This special policy will not prevent applications being made in these areas and each case will be determined on its own merits but applicants will have to comprehensively demonstrate in their application that their proposals will not add to existing

problems in the area. Full details and maps of the areas are contained in the text of the policy.

We recognise the very positive contribution that well managed premises can make to the Council's wider objectives through contributing to the economy and helping to tackle crime and disorder.

Through the implementation of the Licensing Act, Statutory Government Guidance and this Licensing Policy and by working closely with both regulatory and business partners we will continue to provide advice and guidance as well as ensuring compliance of standards for both residents and businesses in the County to ensure that licensed premises are well managed and have a positive impact on the cultural, community, leisure and entertainment facilities within Herefordshire.

This Statement will be widely circulated and will be available at all times and be published on the Council's website.

*Section 1: Summary of Introduction*

*This explains that this Policy has been prepared in accordance with guidance, who the Licensing Authority is and what the aim of the Licensing Authority is.*

## **1. INTRODUCTION**

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and guidance issued under Section 182 of the Act by the Home Office.

The licensing authority is the '*Council for the County of Herefordshire*' which shall be referred to as "Herefordshire Council".

Herefordshire Council (in its role as Licensing Authority) is responsible for the licensing of regulated activities under the Licensing Act 2003. This document sets out the principles that the Licensing Authority will apply when making decisions.

The Licensing Authority's aim is for the licensing process to allow the retail sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, in a way which ensures compliance with the objectives of the Act, which is not to the detriment of residents, nor gives rise to loss of amenity.

It is the Licensing Authority's aim to facilitate this through the licensing process by well run and managed premises, and by licence holders demonstrating and taking action to ensure that the use of their licences will not be to the detriment of any of the licensing objectives. Whilst licensing may not be considered a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the Premises Licence holder or Club Premises Certificate holder, it is recognised that issues such as anti-social behaviour may be as the direct result of the operation of the

premises. Apart from the licensing process, it could be perceived that there may be a number of other mechanisms which could be available for addressing issues of unruly behaviour. Such mechanisms may include:-

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate;
- Early Morning Alcohol Restriction Orders (EMROs)
- late night levy
- under-age test purchasing

However, this Licensing Authority realises that the above measures may not be sufficient to deal with the promotion of the licensing objectives in relation to a particular licensed premises.

The Licensing Authority recognises that the licensed entertainment business sector and community licensed facilities in Herefordshire contribute to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in maintaining a thriving and sustainable community, which is one of the Council's aims.

Herefordshire is a mixed commercial and residential area, with many areas lying in tranquil rural surroundings, whose amenity the Council has a duty to protect, and one of the Council's aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.

This policy will set out the general approach that the Licensing Authority will take when it considers opposed applications or notices. It will not undermine the right of any individual to apply for a variety of permissions nor undermine the right to have any such application considered on its individual merits. Nor will it override the right of any 'responsible authority' or 'any other person' to make relevant representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.

This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications or notices, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and including the responsible authorities of the Licensing Authorities expectations.

Every opposed application will be determined on its own merits following the Licensing Committee having heard all the evidence in relation to the application. The licensing authority will accept all representations made by the police and objection notices (including those voiced by the police at a hearing) and will adopt all recommendations from the police, unless there is clear evidence that these are not relevant.

It is not the purpose of this Policy to reiterate the specific provisions of the Act or the Regulations made there under or reiterate the legal complexities of the legislation, unless it is considered appropriate to do so.

*Section 2: Summary of Scope of Policy*

*This section explains what the Policy covers*

## **2 SCOPE OF THIS POLICY**

The Council for the County of Herefordshire is the Licensing Authority responsible for the authorising of licensable activities, the issue of personal licences, and other matters set out in the Licensing Act 2003 (“the Act”) in the County. This document sets out the principles that the Licensing Authority will apply when making decisions upon applications, notices and other authorisations relating to:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- Regulated entertainment
- The provision of late night refreshment being the supply of hot food or drink from a premises (other than a premise with a Club Premise Certificate or other lawfully exempt premises) between 11.00 pm and 05.00 am.

Regulated entertainment requires a licence or authorisation (unless exempted by the Act) when it is performed in front of an audience and includes the following:

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment (indoors and outdoors)
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

The Act sets out four main licensing objectives which the Licensing Authority has a duty to promote in determining applications:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each of the objectives is considered to be of equal importance.

This Policy shall apply in respect of any new consents, renewals, transfers, variations, reviews and such other notices or authorisations that may be required in relation to:-

- Premises Licence
- Club Premises Certificates
- Provisional Statements

And where appropriate:-

- Personal Licences
- Temporary Event Notices
- Such other applications, authorisations or notices (e.g. interim authorities) as are required under the Act.

Certain areas within Hereford City have in place a Cumulative Impact Policy which is dealt with in Appendix 1.

*Section 3: Summary of Policy Consultation and Review*

*This section states who was consulted and when the policy will be reviewed.*

### **3 POLICY CONSULTATION AND REVIEW**

This Policy will take effect from XXXXXXXX and will be subject to a 5 yearly review or sooner if necessary.

In developing its policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted included those specified in Section 3 of the Government Guidance i.e.; -

- Responsible Authorities
- Representatives of the local licensing trade
- Representatives of local businesses and residents

Public consultation has also taken place through Herefordshire's Parish and Town Councils and the Herefordshire Council Web site.

In addition, the authority has consulted:

- Representatives of the Safer Herefordshire Strategy Board
- Hereford and Worcester Ambulance Service
- Herefordshire Primary Care Trust

Comments were invited and all comments received via this consultation process were considered by the Licensing Authority.

The Licensing Authority has also taken into account the guidance issued by the Department of Home Office under section 182 of the Act regarding licensing policies.



*Section 4: Summary of Determinations of Applications*

*This section explains how applications will be determined and explains that the Authority can depart from this policy when it considers it correct and appropriate.*

#### **4.0 DETERMINATIONS OF APPLICATIONS**

When determining applications, authorisations and notices that have attracted relevant representations and review applications, this Licensing Authority will normally work within the framework of this Policy and also take into account the Guidance issued by the Home Office under section 182 of the Act. However, this Licensing Authority reserves the right to depart from this Policy and the Guidance whenever it considers it correct and appropriate to do so.

If, during the period of this Policy, new Guidance is issued by the Government such Guidance will be taken into account by the Licensing Authority even if it is not yet referred to in the Policy.

When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application without regard to this Policy. The only exceptions to this are applications for:

- The review of a Premises Licence or Club Premises Certificate;
- A minor variation of a Premises Licence or Club Premises Certificate;
- An application for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be dispensed with for a community premises

All opposed applications (with the exception of certain minor variations) will be determined by the Licensing Authority's Licensing Committee or one of its Licensing Sub-Committees.

*Section 5: Summary of Administration, Exercise and Delegation*

*This section sets out how decisions are made and who will make the decision.*

## **5 ADMINISTRATION, EXERCISE AND DELEGATIO**

### **5.1 Licensing decisions and functions**

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to Licensing sub-committees or to one or more officers.

This may be taken or carried out by the appropriate licensing committee of Herefordshire Council (except those relating to the making of a statement of licensing policy), however these functions have been delegated to the licensing sub-committee or in appropriate cases to officers of the authority.

As many of the decisions will be largely administrative it is anticipated that in the interests of speed, efficiency, and cost effectiveness on many occasions they will be made by officers. The appropriate licensing committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation. The power to grant licences and permissions includes the power to renew, vary, refuse, suspend or revoke such licence or permission and the power to impose conditions. The terms of delegation of licensing functions are set out below.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		If a police objection	If no objections received
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made

Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premise licence holder		If a police objection	All other cases
Request to be removed as designated premise licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexations etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police or Environmental Health representation to a temporary event notice		All cases	
Application for Minor Variation			All cases

**5.2** Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-committee, unless:

- (a) such representations are from 'any other person' and are considered to be irrelevant, frivolous or vexatious, or
- (b) the Licensing Authority, the applicant and everyone who has made relevant representations agrees that a hearing is not necessary, or

(c) the representations are in relation to a minor variation and the power to determine the application has been delegated to the officers of the Licensing Authority

With regard to point (b) above, the Licensing Authority reserves the right to disagree that a hearing is not necessary.

- 5.3** If a Licensing Committee/Sub-Committee hearing is required under the Act in respect of an application, the hearing will be in public unless there are compelling reasons for it to be heard otherwise. When a hearing is held in public, the Licensing Committee/Sub-Committee can retire into private session to consider their decision. Opposed applications for personal licences will normally be held in a private session.
- 5.4** Where police request is made that a hearing in relation to an expedited review will provide information which may affect the outcome of natural justice then such hearing may be held in private.

*Section 6: Summary of Responsible Authorities, and any other Person and Representations*

*This section sets out who the responsible authorities are and how members of the public can make representation. It also gives guidance in respect of making a relevant representation.*

**6. RESPONSIBLE AUTHORITIES, ANY OTHER PERSON AND REPRESENTATIONS**

**6.1** The Act sets out the responsible authorities that can make representations about licence applications, or who can apply for a review of an existing licence. In Herefordshire these are:

- West Mercia Police
- Hereford and Worcester Fire and Rescue
- Herefordshire Council Environmental Health (Commercial)
- Herefordshire Council Environmental Health (Pollution)
- Herefordshire Council Trading Standards
- Herefordshire Council Safeguarding and Vulnerable Team
- Herefordshire Council Planning Department
- Health and Safety Executive
- Wye Valley NHS Trust
- Herefordshire Council Licensing Section
- And any other body or person that may be prescribed by regulations at a later date.

A current list of responsible authorities and their addresses can be obtained from the Council's Licensing Team.

**6.2** Representations can be made by any other person. Any person may also apply for a review of a Premises Licence or a Club Premises Certificate.

**6.3** The responsible authorities and any other person can make representations about:

- Applications for a new Premises Licence
- Applications for the variation of an existing Premises Licence
- Applications for a new Club Premises Certificate
- Applications for the variations of an existing Club Premises Certificate
- Applications for a Provisional Statement
- Review applications

**6.4** All representations must be 'relevant', for example they must be about the likely effect of the grant of an application on the promotion of one or more of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Where a representation is made by a person who is not a responsible authority, the Licensing Authority may reject representations that it considers to be irrelevant, frivolous, vexatious or repetitious.

**6.5** It is important to note that responsible authorities or any other person may make representations on any of the 4 licensing objectives (for example the Fire Brigade could make representations about crime at a premises or Trading Standards on the basis of public nuisance).

### **6.6 Relevant Representation**

A relevant representation has been defined in a number of stated cases which have appeared before the High Court and which are binding on the Licensing Authority. Of particular note is the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court and The Sauehall Massie Conservation Society and Wirral Metropolitan Borough Council [2008] EWHC 838 (Admin)*. In brief it was said that a licensing authority should look for some real evidence to support the representation made. Fears and speculation as to what might happen will not be enough. Whilst this case remains relevant, Herefordshire Council will expect a representee to give evidence to

substantiate a conclusion that the application as applied for is unlikely to promote the licensing objectives.

- 6.7** Furthermore the case *R (on the application of Hope & Glory Public House Ltd) v City of Westminster Magistrates' Court [2009] EWHC 1996 (Admin)* established the fact that a representation made in relation to public nuisance must be more than a private nuisance and that a single person is incapable in law of constituting "the public" for the purposes of satisfying the test of "public nuisance" pertinent to the licensing objective.
- 6.8** Therefore the Licensing Authority will deem that any representation which is not supported by any evidence of some description is not a relevant representation. Acceptable evidence will normally relate to real and reliably witnessed events at the premises. However evidence may also be considered when arising from very similar events which having taken place at another location and were run by the same applicant / promoters. An aggrieved representee whose evidence has not been accepted by the Licensing Service can informally appeal to his or her councillor for assistance when a representation has not been accepted.
- 6.9** Furthermore, where only one public representation is received in respect of the public nuisance licensing objective, then this too will be deemed not to be relevant on the grounds that it is a private nuisance. However, in such a circumstance the licensing service will refer a single complainant to the environmental health service for investigation as a potential statutory nuisance.
- 6.10** Applications for the review of an existing Premises Licence or Club Premises Certificate can be made by a responsible authorities or any other person but the reason for the calling of the review must address one or more of the four licensing objectives.
- 6.11** Only the Police can make representations about applications for:
- Transfers of premises licences,

- Variations to change the Designated Premises Supervisors at a premises,
- Applications for personal licences,
- Interim authority notices, and

In above cases, the representations from the Police have to be restricted to the licensing objective of the prevention of crime and disorder.

**6.12** The police or an Environmental Health Officer may make representation about a Temporary Event Notice.

**6.13** All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. In the cases of applications for new Premises Licences/Club Premises Certificate and variations, the deadline for receipt of any representation and the address that they must be sent to will be shown on a notice(s) displayed at the premises and in a notice placed in a local newspaper by the applicant.

**6.14** When considering applications for new, or variations (under sections 34 and 84 of the Act) to existing Premises Licences /Club Premises Certificates the responsible authorities and any other person should consider the adequacy of any measures intended by the applicant to deal with any potential for public nuisance, crime and disorder, public safety, and the protection of children from harm. Any such proposed measures should be included in the application form submitted to the Licensing Authority by the applicant. If any responsible authority or any other person is not satisfied with any of the proposed measures they may make representations against the application to the Licensing Authority.

**6.15** Applications for 'minor' variations under section 41A or section 86A of the Act do not have to include details of the steps that the applicant intends to take to promote the licensing objectives. Nor can the Licensing Authority



convert any intended steps that may be included in the application into additional licence conditions. It is recommended that:

- Applicants take this into account when applying for a 'minor' variation in relation to the receipt of any representations against the applications, and
- The responsible authorities and any other person also take this into account when considering whether the application will have any effect on the licensing objectives.

NB: It is important for applicants, responsible authorities and any other person to note that the Licensing Authority may only grant this type of application in its entirety or they must completely refuse it. Any agreements (e.g. concerning additional conditions) made between the applicant and those making representations are of no effect under the Act and cannot be taken into account when the Licensing Authority makes its determination on the application.

**6.16** The Licensing Authority will not remove any personal details from representation made by members of the public, unless either requested in writing to do so, or if the Licensing Authority feel that by disclosing the person's details, natural justice may be affected.

*Section 7: Summary of Application Consultation*

*This section explains the application process and the procedures which should be followed to make a successful application.*

## **7 APPLICATION CONSULTATION**

- 7.1** The aim of consultation is to provide the opportunity for any other person to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made there under.
- 7.2** The Act itself is sometimes confusing and misleading. To overcome problems associated with different types of applications the Licensing Authority has put in place various processes.
- 7.3** An application for a new/variation to a premises licence or a new/variation to a club premises certificate requires the applicant to advertise both on the premises (at the start of the consultation period) and in a local newspaper in circulation in the area within 10 working days.
- 7.4** The authority would accept a publication which is circulated in the immediate vicinity of the premises or in the Hereford Times or the Journal.
- 7.5** The consultation period commences on the day after a **completed** application was given to the Licensing Authority. (Completed means that no information is missing from the application or the plan and the correct fee and required documents have been received).
- 7.6** The term used within the act is 'was given' to the Licensing Authority. An application is only given to the Licensing Authority when it is received by them. Sometimes application will be delayed by post and where this occurs the terms under the Interpretation Act 1978 will be applied which states that a letter sent by first class mail is deemed to be delivered on the second working day after posting. (For example: Where an application is

posted today [Tuesday] then it is deemed delivered not tomorrow but on Thursday. For this reason the Licensing Authority will keep all envelopes used to post applications).

- 7.7** The Licensing Authority will also write to the applicant notifying them of the date that the 28 day period will start and the date for which it must appear in an advertisement.
- 7.8** To avoid additional cost, applicants are advised not to advertise in a local newspaper until such time as they have been informed by the Licensing Authority that the application has been accepted.
- 7.9** Where an application is submitted and found to be defective, the Licensing Authority will always try and contact the applicant by phone to advise of the deficiency and the required action. However, it may not always be possible to speak to the applicant. On all occasions the Licensing Authority will return the application together with a letter explaining what action is required to make the application complete.
- 7.10** Only once an application is complete can the consultation period commence.
- 7.11** There is no discretion over the application process under the Act and applicants should therefore consult the regulations which cover the application process [The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005].
- 7.12** An event organiser can give notification to the Licensing Authority, the Environmental Health Officer and the Police of a temporary event by way of a temporary event notice (TEN) where the event will involve less than 500 people, but this application must be made no later than 10 working days before the event. This period does not include the day the application is received nor the day on which the event is to start; there is no discretion available to shorten this notice period.

- 7.13** It is also possible to apply for a Temporary Event Notice up to 5 days prior to the event (Late Temporary Event Notice). However, this can be a risky process because if either the police or the Environmental Health Officer object, where they feel that the Licensing Objectives may not be promoted, the notice is automatically refused.
- 7.14** The Police or Environmental Health Officer may intervene to prevent the event taking place or agree a modification of the temporary event notice. . Notice may be given in advance of the minimum requirement and this is encouraged. The police have a preferred contact point for the submission of TENs which is The Licensing Unit, West Mercia Constabulary, Bath Street, Hereford, HR1 2HT, Tel: 0300 333 3000.
- 7.15** Applicants who intend to hold large one-off events are recommended by the Local Authority to consider making application for a premises licence at least 3 months prior to the event, to allow sufficient time for the licence to be determined.
- 7.16** The Licensing Authority will make copies of applications available for inspection by the public by publishing them on the website.

## *Section 8: Summary of premises Licences*

*This section explains that new applications should contain sufficient details and gives guidance in respect of matters which should be considered when making an application. It also covers applications made in relation to variations to premises licences, change of DPS, Wholesale of Alcohol, Internet and mail order sales, Regulated Entertainment, Late Night Refreshment, Bingo Clubs, Petrol Stations, Vehicles and Moveable Structures, Vessels and Ships, Sports Grounds and Hotel Mini Bars*

## **8 PREMISES LICENCES**

### **8.1 New Applications**

The application form should include sufficient information to enable the Licensing Authority, any other person and any responsible authority to assess the steps intended by the applicant to promote the Licensing Objectives. A description of the business to be conducted on the premises must also be included in the application form.

**8.2** Where alcohol is to be sold for consumption on the premises it would be valuable to know the extent of seating and the type of activities available on the premises whether licensable under the Act or not.

**8.3** Full details of information required in the application form include:-

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year, that the activities are to take place.
- Any other times when the premises is open to the public
- Where the licence is required for a limited period, that period
- If the activities include the supply of alcohol, the name and address of the designated premises supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both

- If adult entertainment or services of any description (whether licensable or not) are to be provided at the premises, full details must be given
- The steps the applicant proposes to promote the Licensing Objectives.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the licensing objectives when preparing their applications and specify the steps that they will take to promote the licensing objectives.

**8.4** Applicants are recommended to acquaint themselves with:

- The contents of this Policy dealing with the four licensing objectives
- The Guidance issued by the Home Office under section 182 of the Act and other guidance available on Government websites
- Herefordshire Council 'Pool of Model Conditions'.

**8.5** The Licensing Authority will expect Operating Schedules to satisfactorily address the issues of the licensing objectives, from the design of the premises through to the daily operation of the business.

**8.6** Particular consideration will be given to the following:

- Safety arrangements e.g. premises must be constructed or adapted in such a way that they are safe and appropriate and have a safe capacity assessment etc.
- The steps that will be taken to prevent the underage sale of alcohol
- The steps the applicant has taken or proposes to take to prevent public nuisance. Such steps may include the management of customers' behaviour, installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- What measures will be taken to prevent disorder and nuisance and to also secure public safety e.g. the use of CCTV, the employment of registered door supervisors, means of access/exit, types of drinking utensils used such as glass, plastic, no bottles etc.

- The measures proposed to prevent the consumption or supply of illegal drugs, possession of offensive weapons including any search procedures and entry policies.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

### **8.7 Variations to existing Premises Licences**

The holder of an existing Premises licence may apply for a variation of the licence (e.g. to change the licensed hours or activities) under either section 34 of the Act ('full variations') or in the case of 'minor' variations under section 41A of the Act. For a 'full' variation the applicant is expected to complete the application form with the steps they intend to take to promote the licensing objectives.

**8.8** The Licensing Authority expects an applicant for a variation to look at the current conditions attached to their premises licence to establish whether the licence is still fit for purpose. Any conditions on the existing licence should meet the following and are:

- appropriate for the promotion of the licensing objectives
- enforceable
- unequivocal/unambiguous
- proportionate and
- do not duplicate other statutory provisions

**8.9** Where they do not meet these criteria the applicant is expected to offer conditions which do. A model pool of conditions can be found on our website at <http://www.herefordshire.gov.uk/docs/Conditions.doc>

### **8.10 Designated Premises Supervisor**

Where a premises sells alcohol, a Personal Licence holder will be identified in the Premises Licence as the Designated Premises Supervisor for the premises. This is to ensure that there is always one specified individual who can be readily identified for the day to day running of the premises.

**8.11** Where the Designated Premises Supervisor is not available for a significant period of time (e.g. on holiday) they should nominate in writing somebody who is authorised to act on behalf Designated Premises Supervisor, as a point of contact

**8.12** Community premises can apply to have the requirement for a Designated Premises Supervisor removed from their premises licence.

### **8.13 Wholesale of Alcohol**

The wholesale of alcohol to the public is a licensable activity under the 2003 Act and a Premises Licence and a Designated Premises Supervisor will be needed where such transactions take place.

### **8.14 Internet and mail order sales**

A Premises Licence will be required for the warehouse/storage facility of the alcohol, when the alcohol is delivered/dispatched from that place to the public. However, the call centre where the order was placed would not be licensable. The Operating Schedule must include procedures for ensuring that sales of alcohol are not made to persons under the statutory age limit (currently 18 years of age).

### **8.15 Regulated Entertainment**

Regulated entertainment will require (subject to certain exemptions) a Premises Licence, a Club Premises certificate or a Temporary Event Notice. The forms of regulated entertainment are: -

Performance of a play

Exhibition of a film

Indoor sporting event

Boxing or wrestling entertainment (indoors and outdoors)

Performance of live music

Playing of recorded music

Performance of dance

Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.



### **8.16 Late Night Refreshment**

The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the 2003 Act from the hours of 11.00 pm and until 5.00 am.

Some premises are exempt from this licensing requirement:

- clubs, serving hot food and hot drink only to their members
- hotels, or comparable premises, serving hot food and hot drink only to those who will be staying at the hotel that night
- premises serving hot food and hot drink only to their own employees
- premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

### **8.17 Bingo Clubs**

Where activities which are licensable under the Act are carried out in Bingo Clubs the conditions imposed will apply alongside those conditions imposed under the Gambling Act 2005.

### **8.18 Petrol Stations**

There are restrictions of the sale of alcohol from petrol stations. The Licensing Authority expects an applicant to demonstrate the primary use of the premises in order to establish whether the premises licence should be rejected. Each case will be judged on the individual circumstances of the application.

### **8.19 Vehicles and Moveable Structures**

The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle whilst it is in motion and not permanently or temporarily parked is not to be regarded as a regulated entertainment for the purposes of the 2003 Act. For example, a band

performing on a moving float in a parade would not require a premises licence if performances only take place while the vehicle is in motion.

#### **8.20 Vessels and Ships**

Vessels or ships are licensable by the Licensing Authority where they are usually moored.

#### **8.21 Sports Grounds**

On premises that are subject to the Safety at Sports Ground Act 1975 requirements, the Safety Certificate issued for the premises will normally take precedence over the licence conditions relating to safety whilst the premises is in use under the Safety Certificate.

#### **8.22 Hotel Mini Bars**

Hotels that have mini bars in their rooms will have to ensure and demonstrate that they have put adequate measures in place to ensure that alcohol cannot be obtained by underage persons.

*Section 9: Summary of Club Premises Certificates*

*This section deals with the application for Club Premises Certificates and the rules in relation to Clubs.*

**9 CLUB PREMISES CERTIFICATES**

- 9.1** A 'Qualifying Club' may apply for a Premises Certificate. The Licensing Act 2003 stipulates the requirements of a 'Qualifying Club' as specified in Sections 61-64 of the Act. The club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. The Licensing Authority must be satisfied these conditions have been met, including evidence to support that any gain from its activities is applied for the benefit of the club and its members and that there is a minimum of 48 hours delay between application and the acceptance of new members. The Club must have a minimum of 25 members.
- 9.2.** In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required, and there is no requirement to specify a Designated Premises Supervisor as there are technically no retail sales of alcohol.
- 9.3** The Licensing Authority will require the Club Secretary's current contact details to be readily available.
- 9.4** The procedures, guidance and this Licensing Authority's Policy in relation to Club Premise Certificates are identical to that for Premises Licences.

*Section 10: Summary of Provisional Statements*

*This section deals with the application for a Provisional Statement.*

**10. PROVISIONAL STATEMENTS**

- 10.1** Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.
- 10.2** This Licensing Authority's Policy in relation to Provisional Statements are identical to those for Premises Licences. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.
- 10.3** If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the provisional Statement in the same manner as if it were a Premises Licence or the application may be refused by the Licensing Authority.

*Section 11: Summary of Conditions on Premises Licences and Club Premises Certificates*

*This section explains about the mandatory conditions and the power to attach further conditions.*

**11 CONDITIONS ON PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

**11.1** The Act sets out mandatory conditions that are applicable to Premises Licences and Club Premises Certificates according to the activities that they are authorised for.

**11.2** The Licensing Authority may impose additional conditions as a result of representations against a licence. Each case will be on its own merits, and any additional conditions will be appropriate to the nature of the activities and hours applied for and shall reflect the four licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. When no representations have been received against an application, the Licensing Authority reserves the right to convert the steps that an applicant has put into their application into licence conditions whenever such conditions are appropriate to the licensing objectives. The Licensing Authority will normally take these from their model pool of conditions which can be found on our website (<http://www.herefordshire.gov.uk/docs/Conditions.doc>).

**11.3** The additional conditions that may be attached to licences and certificates upon consideration of relevant representations will be tailored to the individual circumstances and characteristics of the premises and events concerned to meet the licensing objectives. For example, conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels.

**11.4** Apart from being able to impose additional conditions, the Licensing Authority has the power to refuse applications in their entirety.

*Section 12: Summary of Film Classification*

*This section explains that, other than in exceptional circumstances, the Licensing Authority will expect films to have a British Board of Film Classification.*

**12 FILM CLASSIFICATION**

**12.1** The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority).

**12.2** This Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not duplicate the role of the British Board of Film Classification by choosing to classify films themselves. The classifications recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

**12.3** If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of premises licences that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

**12.4** Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons

in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

- 12.5** Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of the children present, having regard to the official age classification of the work given by the British Board of Film Classification.

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### *Section 13: Summary of Hours of Licensed Activities*

*This section sets out how applicants are advised to apply for the hours which they will use and how they must have consideration to the impact they may have on the Licensing Objectives. Where appropriate following representation, the Licensing Authority may curtail the hours applied for.*

## **13 HOURS OF LICENSED ACTIVITIES**

- 13.1** Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact these hours may have on any of the licensing objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
- 13.2** In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times, the Licensing authority will give consideration to how the applicant will achieve the Licensing Objectives and the representations made against such hours.
- 13.3** Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to the licensing objectives.
- 13.4** Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.
- 13.5** In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to allow sales of alcohol at all times that the premises is open for business, this



Licensing Authority recognises that any particular application may have to be refused or hours may have to be restricted in order for the licensing objectives to be achieved.

- 13.6** Each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.

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## *Section 14: Summary of Opening Hours*

*This section deals with the hours licensed applicants are advised to apply for and consideration to the impact these may have on the Licensing Objectives. The Licensing Authority may curtail the hours applied for.*

### **14 OPENING HOURS**

**14.1** It is a requirement that applicants put down on their application form for new premises licences/Club Premise certificates the times that the premises are to be open on any day. Subject to there being no representations, the opening times requested will be placed on the Licence/Certificate.

**14.2** It is possible for applicants to apply for longer opening times than those required for the licensable activities (e.g. supply of alcohol).

**14.3** In the event of relevant representations, the Licensing Authority may consider taking steps in restricting the opening times, such as:

- Reducing the opening times (and especially the closing times) to the same times as the licensable activities, or
- Reducing the closing time to a shorter period after the finishing times of the licensable activities (e.g. reduce the closing time to 30 minutes after the time that the supply of alcohol has to stop).

**14.4** Such measures may be considered appropriate, for example to prevent persons stacking up bottles, cans etc for drinking on the premises during the remainder of the premise's opening times and creating crime and disorder or public nuisance issues.

*Section 15: Summary of Personal Licences*

*This section deals with the application process in respect of personal licences and states that, other than in exceptional circumstances, the Licensing Authority will uphold any representation made by the police.*

**15 PERSONAL LICENCES**

- 15.1** Personal licences allow a person to sell alcohol and authorise another person to sell alcohol on their behalf. The place where the sale takes place must have a premises licence and a Designated Premises Supervisor.
- 15.2** The Licensing Authority has to automatically grant a personal licence whenever the application meets the statutory requirements. The only exemption is when an applicant has an unspent relevant conviction for any relevant offence, or foreign offence as defined in Schedule 4 the Act.
- 15.3** In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a current Disclosure and Barring Service Check (DBS). A declaration is also required stating that an applicant has no relevant convictions for any relevant offences stipulated in schedule 4 of the Act.
- 15.4** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence, the police may object to the grant of the licence.
- 15.5** If an objection to an application is made by the Police, the matter will be referred to the Licensing Committee for a decision. The refusal of the application will be the normal course of action, unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application.

*Section 16: Summary of Temporary Events Notices*

*This section deals with Temporary Event Notices and their application process.*

**16 TEMPORARY EVENT NOTICES**

**16.1** A Temporary Event Notice (TEN) must be submitted to the Licensing Authority when a person wishes to provide licensable activities at an event and;

- the premises does not have the benefit of a Premises Licence or Club Premises Certificate, or
- the premises does not have an appropriate Premises Licence or Club Premises Certificate for the event, or
- they do not wish to use any existing Premises Licence or Club Premises Certificate for the event

**16.2** There are limitations and strict procedures for TENs. There are 2 types of TEN's, a 'standard TEN' and a 'late TEN'. Both the police and Environmental Health can now object to a TEN under any of the four licensing objectives.

A 'Standard TEN' is one which is given at least 10 working days before the event.

A 'Late TEN' is one which is given between 9 and 5 working days before the event.

**16.3** The following is applicable to all TENS.

- a. The period for service of the notice excludes the working day on which the notice is received by the Licensing Authority and Police and the day of the event. Applicants should note that it is unlawful for the Licensing Authority to accept a Temporary Event Notice outside of this time.
- b. The number of people attending the event cannot exceed 499 at any one time.
- c. The duration of the event must not exceed 168 hours.

- d. The same premises can only be used for up to 12 occasions per calendar year and the aggregate number of days must not exceed 21.
- e. A Personal Licence holder may only submit a maximum of 50 Temporary Event Notices per year.
- f. A person who does not hold a Personal Licence is limited to 5 Temporary Event Notices per year.
- g. A personal licence holder can only apply for 10 'Late TENS' per year and 5 for non-personal licence holders.

**16.4** Where a 'Standard TEN' is applied for and the premises is covered by a premises licence and when the police or the EHO have objected to the TEN, then in these circumstances they can request that the current conditions as shown on the licence be placed on the TEN.

**16.5** Where there is no premises licence and the police or EHO object then the decision in respect of whether the event goes ahead will rest with the Licensing Committee as the TEN cannot be conditioned.

**16.6** Where an objection notice is issued for a 'Late TEN' then the Licensing Authority must issue a counter notice which stops the TEN.

**16.7** Where an objection is made, in relation to a 'standard TEN', the Licensing Committee will decide whether or not a Counter Notice should be issued to cancel the TEN after hearing the representations and evidence from either the Police or Environmental Health Officer and the giver of the TEN.

**16.8** The police or Environmental Health Officer have a period of 3 working days to issue an objection notice if they consider the crime prevention objective will be undermined.

*Section 17: Summary of Appeals*

*This section advises of the right to appeal decisions.*

**17 APPEALS**

The Act sets out the rights of the different parties to an application to appeal to the Magistrates Court against certain decisions of the Licensing Authority. Such parties will be formally advised of their rights of appeal after the Licensing Authority reaches its decision.

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*Section 18: Summary of Reviews and Complaints about Licensed Premises*

*This section explains who can call for a review of a premises licence and that The Licensing Authority will have expected the premises licence holder to have been consulted prior to the review being called. This section also deals with the action that the authority will take in respect of test purchases.*

**18 REVIEWS AND COMPLAINTS ABOUT LICENSED PREMISES.**

- 18.1** Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take appropriate steps to support the licensing objectives.
- 18.2** If a premises has an existing licence, a responsible authority or any other party may apply to the Licensing Authority for a review of a Premises Licence or Club Premises Certificate. Once a review application has been lodged with the licensing Authority, any other responsible authority or any other party may make representations (within the legal deadline) to the Licensing Authority in relation to the premises. The licence holder of the premises may make representations against the review application. Review applications and subsequent representations can only be made on the grounds of one or more of the licensing objectives.
- 18.3** Review applications will be heard by the Licensing Authority's Licensing Committee or Licensing Sub-Committee, who will determine the outcome of the Licence/Certificate after hearing and considering the application and the representations for and against it. Each case will be decided on its own merits, and the Licensing Authority may take several courses of action (e.g. take no action, revoke the licence, suspend the licence, reduce the licensed hours, remove the DPS, remove any of the licensable activities or amend the conditions attached to the licence) in accordance with the Act.

#### **18.4 Failed Test Purchases**

Where a premises fails a test purchase then, other than in exceptional circumstances, the premises licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the licensing objective of the 'protection of children from harm'.

**18.5** Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a personal licence.

**18.6** Where that person holds a personal licence the Licensing Authority will normally look towards prosecuting that person through the Court, in accordance with Local Authority's Prosecution Policy for the offence. The court will be asked to consider either the suspension or revocation of the personal licence.

#### **18.7 Premises Persistently Selling**

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

#### **18.8 Crime and Disorder**

In most cases reviews under the crime and disorder objective will be launched by the police. In such cases the Licensing Authority will expect the police to have engaged with the premises licence holder and/or DPS to try and resolve issues at the premises. Where all best efforts have



failed to address the issues then it is right and proper that the matter should be referred to the Licensing Authority to resolve. In most cases, but not exclusively, the Licensing Authority will look at attaching conditions in relation to the use of SIA door staff and/or restricting the hours of operation.

### **18.9 Reviews launched by members of the public**

The Licensing Authority will expect members of the public to bring to the attention of the responsible authorities issues concerning licensed premises at an early stage, to afford those responsible authorities the opportunity to work in partnership with the premises, the person(s) raising the issue and themselves to address the problems at the premises prior to a review being launched.

**18.10** Members of the public will be expected to produce some form of evidence supporting their reason for calling the review. This evidence should show the time and date of the incidents which occurred together with the outcome.

**18.11** It must be stressed that the licensing authority may reject applications from members of the public for a review or representations, if the Licensing Authority considers them to be frivolous, vexatious or repetitious. In the case of being repetitious this means that, in the opinion of the Licensing Authority, a reasonable period of time has not lapsed since an earlier representation or review application.

**18.12** Members of the public may also make a complaint against premises regardless of whether they have previously made representations or called for a review of an existing licence. The complaints may in the first instance be made to the Licensing Team who will forward it to the relevant responsible authority (e.g. In the case of crime the complaint will be forwarded to the police).

*Section 19: Summary of Enforcement Policy*

*This section draws attention to the fact that an enforcement policy does exist as well as what it includes.*

**19 ENFORCEMENT POLICY**

**19.1** The council has an enforcement policy based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions. A proportionate response will be made where offences against licensing legislation are found or where licence conditions have been contravened.

**19.2** It is essential that licensed premises operate in accordance with the Act and especially within their licensed hours and licence conditions. Part of the council's role is to monitor premises and take appropriate action. This may be independently or alongside the police and/or other Responsible Authorities to ensure the licensing objectives are promoted. Protocols have been established with the police on enforcement issues to provide an efficient and effective deployment of local authority and police staff. Joint visits are commonly undertaken to enforce licensing law and to inspect licensed premises.

**19.3** To protect young people, the council should routinely undertake test purchasing to ensure the law is being adhered to. It should be noted the Licensing Authority supports the use of the Challenge 25 Policy and recommends this should be included as part of an applicant's operating schedule in any Premises Licence or Club Premises Certificate application. Please contact Trading Standards for further details.

## Section 20: Summary of Prevention of Crime and Disorder

*This section seeks to address the issue of promoting the licensing objective of the prevention of crime and disorder. It advises that applicants should consider the advice given in these pages when making application and should also take it into account. Where appropriate, the applicant should make reference to these issues within their application. Where it is felt appropriate, the Licensing Authority may address some or all of these issues in the decision making process.*

## **20 PREVENTION OF CRIME AND DISORDER**

### **20.1 General**

When applicants for premises licences or club premises certificates are preparing their application forms or when responsible authorities or any other party are considering such applications the following matters may be considered as control measures towards the promotion of the prevention of crime and disorder. The licensing authorities when considering applications following the receipt of any relevant representations may also take such matters into account in reaching its decision on the application.

**20.2** Whether these options may be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

**20.3** Appropriate conditions for the licence or certificate will also depend on local knowledge of the premises the following measures should not be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

**20.4** Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the

law and a breach of such a condition could give rise to prosecution and/or a review of the licence.

### **20.5 Training**

The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime.

**20.6** The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs, violence in licensed premises and deals with conflict resolution.

**20.7** Suitable training should be extended to all bar staff and door staff so that drug dealers and troublemakers will be deterred from using licensed premises.

**20.8** Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.

### **20.9 Designated premises supervisor (DPS)**

It is expected that the Designated Premises Supervisor will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.

### **20.10 Risk Assessment for the Police**

The Police may, on the grounds of the prevention of crime and disorder, make representations against certain applications for the provision of music requesting that licence conditions be imposed requiring:

- the licence holder to complete and submit to the Police when appropriate a 'Event Risk Assessment Form' 14 days prior to the event. This form will allow the licence holders, the managers of premises, promoters of music events, event security and the Police to

work in partnership to identify and minimise any risk of serious violent crime happening at a proposed event, and

- for a debrief form to be submitted to them 3 days after the event has taken place.

**20.11** This Licensing Authority will consider the recommendations of the Police and any representations from the applicant concerning the nature of the premises, the music entertainment and its clientele in deciding whether such conditions should be imposed.

### **20.12 Behaviour of Customers Outside Licensed Premises**

One of the main sources of complaint regarding licensed premises relates to the activities and behaviour of customers outside the boundaries of licensed premises. Licensees must take reasonable steps to prevent such behaviour having a negative impact on the vicinity of the premises. In addition licensees should consider identifying and refusing to admit problem customers.

**20.13** Particular regard should be given to premises where customers congregate outside to smoke or congregate in periods of fine weather. Regard should also be given where customers do not disperse quickly when leaving the premises, particularly late at night in residential areas.

### **20.14 Door Supervisors**

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; maintaining orderly queuing outside of venues prone to such queuing,
- ensuring public safety

**20.15** Conditions may also be needed to deal with the number of such supervisors, where and at what times they should be on duty on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

**20.16** Any persons employed at licensed premises to carry out any security activity must (unless exempted by law) be licensed with the Security Industry Authority.

### **20.17 Incident Report Book**

Where appropriate the Licensing Authority will require an incident report book to be kept at the premises. This should include any decision to refuse access, any attempt to make an underage purchase, any incident of crime and disorder in or about the premises, incidents of fire and fire alarm activations etc. This book shall be available for inspection by an authorised officer of the Council or a Police Officer.

### **20.18 Radios**

Herefordshire is currently operating a radio communication system in parts of the County which allows easy and instant contact to be made between licensees and Herefordshire's Emergency Control Centre.

**20.19** The Control Centre has a direct link with the West Mercia Police. This system will connect premises licence holders, designated premises supervisors, managers of premises and clubs to the local police and can provide for rapid response by the police or the Local Authority to situations of disorder which may be endangering the customers and staff on the premises.

**20.20** Such communication systems provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or

individuals suspected of criminal behaviour that are about in a particular area. Radios can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

**20.21** The Secretary of State recommends that radios should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate in other areas for the prevention of crime and disorder.

**20.22** It is recommended that a condition requiring the communication links where available should include the following requirements: the radio equipment is kept in working order at all times;

- the radio link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police/local authority instructions/directions are complied with whenever given; and
- all instances of crime and disorder are reported via the communication link by the designated premises supervisor or a responsible member of staff to an agreed contact point.

For further information contact the Hereford City Partnership.

### **20.23 The use of glass in licensed premises**

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

**20.24** It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption at particular premises should be expressed in clear terms and includes the following elements:

- no glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public

**20.25** In appropriate circumstances, the condition could in exceptions be as follows:

- bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

**20.26** Glasses containing drinks may be used as weapons during incidents of disorder and in non-toughened form can cause very serious injuries. Consideration could therefore be given to conditions, where appropriate, requiring either the use of polypropylene containers or toughened glass (meeting weights and measure legislation) which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. The use of such polypropylene containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition.

**20.27** It should be noted that the use of polypropylene or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

**20.28 CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises.

**20.29** Conditions should not just consider a requirement to have CCTV on the premises but also the precise location of each camera, the requirement to



maintain cameras in working order and to retain recordings for an appropriate period of time (recommended 1 month).

**20.30** Applicants are recommended to seek the advice of the Police with regard to the installation of CCTV systems for crime prevention purposes.

**20.31** The Licensing Authority and the Police have agreed that a CCTV must conform with the following:

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale/ supply of alcohol occurs.
- A monitor showing live CCTV recordings shall be installed in the premises where it can be clearly seen by members of the public entering the premises
- Equipment must be maintained in good working order , be correctly time and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
- The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage on to a recordable/reviewable device, to the Police/Local Authority on demand.
- The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure to the Police on contact number 0300 333 3000 immediately .

### **20.32 Open containers not to be taken from the premises**

A condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) may be imposed on a particular premise. This condition may be necessary to prevent the potential for crime and disorder or for public nuisance.

### **20.33 Capacity limits**

A condition may be imposed to set a maximum capacity limit on licensed premises or any parts thereof to ensure public safety and the prevention of crime and disorder. Where premises are particularly overcrowded this has been shown to increase the risk of conflict between customers.

**20.34** Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

### **20.35 Proof of age cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary for a of “proof of age” scheme to be in place at a premises. Please see the section ‘The prevention of harm to children’ concerning the ‘Challenge 25’ proof of age scheme.

### **20.36 Crime prevention notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. For example, in certain areas, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism.

### **20.37 Signage**

It may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the

consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

**20.38** It may also be necessary for a condition to be imposed stipulating notices to be displayed on the premises requesting patrons to leave the vicinity showing consideration to local residents.

### **20.39 High Volume Vertical Drinking**

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

**20.40** Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

### **20.41 Premises in the vicinity of Hereford United Football Club**

It is recommended by the Police that applications for the supply of alcohol within a two kilometres radius of Hereford United Football Club or in any other area which Police intelligence shows that football supporters congregate should include in their application form that on match days the following will apply:-

*For premises licensed for the supply of alcohol for consumption on the premises:*

- Drinks shall only be supplied in polypropylene or toughened glass vessels and all bottled drinks shall be poured into such drinking vessels before being handed to the customer.

- Registered door staff shall be employed to control the entry and exits to the premises and to prevent the taking of alcohol off the premises (e.g. for consumption on the adjoining foot-way)
- If so instructed by a Police Inspector the premises shall be closed if it is considered that violence and/or disorder may take place.

*For premises licensed for the supply of alcohol for consumption off the premises:*

- Registered door staff shall be employed to control the entry and exits to the premises
- If so instructed by a Police Inspector the premises shall be closed if it is considered that violence and/or disorder may take place.

**20.42** Failure to include the above matters in an application form may result in representations being made by the Police on the grounds of crime and disorder.

#### **20.43 Adult Entertainment & Services**

Where no indication is made within the application form that adult entertainment and/or services are to be provided, the licensing authority will add the following condition to the licence: -

- No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

**20.44** Where it is indicated within the application form that adult entertainment and/or services are to be provided it is essential that the applicant carry out a full risk assessment on the licensing objectives of crime and disorder and the protection of children from harm.

**20.45** Herefordshire Council, as the Licensing Authority, has adopted Section 27 of the Policing and Crime Act 2009, which came into force in England on 6 April 2010, which has reclassified lap dancing, striptease and pole dancing

as 'Sexual Entertainment Venues' requiring a new licence for which a fee is payable.

**20.46** However the Act does make certain exceptions (principally in relation to premises which do not host more than 11 such events).

**20.47** Where adult entertainment and services are to be provided, it is essential that the applicant carries out a full risk assessment on the licensing objectives of crime and disorder and the protection of children from harm.

**20.48** For premises providing adult entertainment the Licensing Authority will expect appropriate conditions, as shown within the 'model pool of conditions' to be offered to promote the licensing objectives.

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## *Section 21: Summary of Public Safety*

*This section seeks to address the issue of promoting the licensing objective of public safety. It advises that applicants should consider the advice given in these pages when making an application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.*

## **21 PUBLIC SAFETY**

### **21.1 General**

Risk assessments should be carried out on an individual basis and should show the measures the applicant considers appropriate to reduce the risk. The risk should be on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the competency of the management and staff at the premises.

**21.2** The Licensing Authority will expect all relevant premises to produce a risk assessment and for outdoor events an Event Management Plan.

**21.3** Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to review and or prosecution.

**21.4** It should be noted that conditions relating to public safety should be those which are appropriate, in the particular circumstances of any individual premises or club premises, and should not duplicate other legal requirements. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation

including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

**21.5** Where existing legislation and regulations do not (in the opinion of the Licensing Authority) adequately cover public safety issues the following matters should be taken into consideration.

**21.6 Safer Clubbing: Guide**

Club owners and promoters will be expected to have regard to “Safer Clubbing: guidance for licensing authorities, club managers and promoters”. The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff.

**21.7** In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.

**21.8** Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:-

- (a) provision of closed-circuit television and panic buttons.
- (b) use of shatterproof glasses and/or toughened glass or plastic bottles
- (c) use of security personnel, such as door supervisors, licensed by the Security Industry Authority
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupancy capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

**21.9** In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

### **21.10 Safety Advisory Group**

Where appropriate, licence holders or their authorised representatives will attend Safety Advisory Group and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE publications “Event Safety Guide” and “Managing Crowds Safely”; LGA publication – “Managing Large Events”.

### **21.11 Escape routes**

It may be necessary for public safety to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring gangways are kept unobstructed.

- all emergency exit doors can be easily opened without the use of a key, car, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- where necessary the edges of the treads of steps and stairways are to be conspicuous from the rest of the stair treads.

### **21.12 Safety Checks**

Consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and



- details of such checks are kept in a Log-book.

### **21.13 Capacity limits**

Consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

### **21.14 Emergency action notices**

Consideration might also be given to conditions that ensure that notices detailing the actions to be taken in the event of emergencies, including how the emergency services should be summoned, are prominently displayed and protected from damage and deterioration.

### **21.15 Access for emergency vehicles**

Consideration might also be given to a condition that ensures that access for emergency vehicles is kept clear and free from obstruction.

### **21.16 First Aid**

Consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- A Suitable area is identified that can be used for treatment
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.
- It should be noted that providers of medical cover at events should be registered and regulated by the Care Quality Commission (CQC) 03000 61617, enquiries@cqc.org.uk

### **21.17 Lighting**

Consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- emergency lighting is not altered;
- emergency lighting and signage are in working order before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

### **21.18 Temporary electrical installations**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician;
- temporary electrical wiring and distribution systems shall comply with the appropriate standards where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

### **21.19 Indoor sporting events**

Subject to the type of sports provided and the appropriate risk assessments, consideration may be given to conditions to ensure that:

- an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo karate or other sports entertainment of a similar nature;

- where a ring is involved, it is constructed and signed off by a competent person and accepted as suitable by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainment's of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainment's, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

### **21.20 Alterations to the premises**

Premises should not be altered in such a way as to make it impossible to comply with any licensing condition. Licence holders wishing to carry out alterations to their premises should see the advice of the Licensing Team as to the correct licensing procedure. Alterations may mean that an application for a new licence or a variation to the existing licence is required.

### **21.21 Special effects**

The use of special effects in venues of all kinds can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;

- lasers
- explosives and highly flammable substances
- foam or similar product.

On the first occasion of their use prior notification shall be given to the Licensing Authority and must meet with their approval.

### **21.22 Theatres, cinemas, concert halls and similar places**

There are particular matters in the context of public safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points below are for consideration and do not represent a mandatory list.

- Attendants: must be sufficient in numbers taking into consideration the other safety measures, the design of the premises and the profile of the persons attending (e.g. performances attracting primarily children). Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- Standing and sitting in gangways etc: persons should not be allowed to:
  - sit in a gangway;
  - stand in a gangway, except for access to and from their seat.
  - stand or sit in front of any exit;
  - stand or sit on any staircase including any landings; or
  - stand to view the performance except in areas designated in the premises licence or club premises certificate
- Drinks: No drinks (alcohol or other drinks) shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
- Flammable films; No flammable films should be allowed on the premises without the prior approval of the Fire Brigade.

## *Section 22: Summary of Public Nuisance*

*This section addresses the issue of promoting the licensing objective of the prevention of public nuisance. It advises that applicants should consider the advice given in these pages when making application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.*

## **22 PREVENTION OF PUBLIC NUISANCE**

### **22.1 General**

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the venue. This may include noise from customers' cars arriving, car stereo systems, car horns, vocal noise from customers, or those that transport customers to and from the venue, revving engines, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of the premises.

**22.2** When applicants for premises licences or club premises certificates are preparing their operating schedules, the matters dealt with in this annex should be carefully considered as a means to prevent public nuisance.

**22.3** Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

**22.4** Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

## **22.5 Planning**

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation.

**22.6** In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

**22.7** Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

**22.8** In determining applications for new and varied licences, regard will be had to following factors: the location of premises, the type and construction of the building, the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

**22.9** Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

**22.10** Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

**22.11** Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00 pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

**22.12** In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

**22.13** Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

**22.14** Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy.

**22.15 Management and control of customers**

Procedures should be put in place to manage the behaviour of customers in so far as it may contribute to public nuisance. These measures may include; management of people who arrive and leave the premises, the placing of signage reminding patrons to arrive and leave quietly, the consideration of arranging a dedicated taxi service, the quick dispersal of customers away from the premises when leaving, and when drinking outside is permitted, to take into consideration the potential of public nuisance.

**22.16 Hours**

The hours during which the licensable activities are permitted at premises by the conditions of a premises licence or a club premises certificate are

set for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially fixed closing times. For example where the premises are in a predominately residential area the potential for public nuisance is greater.

**22.17** Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.

### **22.18 Noise and vibration**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

### **22.19 Litter**

Premises that provide food and /or drink for consumption off the premises could create public nuisance in the form of their patrons causing litter



(i.e. food wrappings/containers and drink containers) in the vicinity of the premises and the wider area. Applicants for licences allowing the provision of late night refreshment and the sale of alcohol for consumption off the premises are recommended to consider the problems that litter caused by their operation will cause and the steps that they will take to prevent such nuisance in the vicinity of their premises. The steps that they could take (and include in their application form) include:

1. the provision of waste receptacles outside the premises,
2. notices asking customers to dispose of their rubbish responsibly and not to create litter problems, and
3. the licence holder arranging for the picking up and disposal of litter from their premises or the vicinity of the premises or associated with them.

#### **22.20 Noxious smells**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells do not cause a nuisance to nearby properties and that premises are properly vented.

#### **22.22 Light pollution**

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that flashing lights or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties.

*Section 23: Summary of the Protection of Children from Harm*

*This section seeks to address the issue of promoting the licensing objective of the protection of children from harm. It advises that applicants should consider the advice given in this Policy when making an application and where appropriate, the applicant should make reference to these principles within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.*

**23 THE PROTECTION OF CHILDREN FROM HARM**

**23.1 General**

The Licensing Authority will have specific regard to the licensing objective to protect children from harm. This objective includes the protection of children from moral, psychological and physical harm.

**23.2** It is anticipated that Licences will be sought in respect of a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible within this licensing policy to anticipate every situation where children may be at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will expect applicants to offer their own measures within the operating schedule to meet all of the licensing objectives.

**23.3** It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take all reasonable steps to prevent under age sales.

**23.4** To reduce alcohol-induced problematic behaviour by under 18 year olds, to prevent underage purchase and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- (a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- (b) Police and trading standards should implement test purchasing to reduce on and off licence sales to under 18 year olds and carry out age challenges to reduce underage drinking in pubs and licensed venues.
- (c) Further take-up of proof of age schemes will be promoted
- (d) In-house, mystery shopper type schemes operated by local businesses will be supported
- (e) Providers of events for unaccompanied children should consider whether staff at such events need to be CRB checked

**23.5** The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment or services of an adult or sexual nature are provided
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

- 23.6** It is anticipated that the issue of access to children will be addressed in the Operating Schedule.
- 23.7** The Licensing Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a Premises Licence, Club Premises Certificate or where that activity is carried on under the authority of a Temporary Event Notice. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between the hours of midnight and 05.00 am at other premises supplying alcohol for consumption on the premises under the authority of any Premises Licence, Club Premises Certificate or Temporary Event Notice. Outside of these hours, the Act does not prevent the admission of unaccompanied children to a wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues.
- 23.8** Licensees will have effective steps to prevent children from viewing films or video works that are unsuitable due to the age classification of the film that has been imposed by the British Board of Film Classification or the Licensing Authority.
- 23.9** The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

- 23.10** Anyone intending to provide staff for the supervision of activities to under 18's will be required to carry out enhanced Disclosure and Barring Service (DBS) check on all persons involved in such activities.
- 23.11** These checks should be entered into a register which should be kept on the premises at all times and made available to the Police or authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the Police.
- 23.12** The Licensing Authority will specifically require the Operating Schedule to address issues relating to children. Applicants are advised to contact Children's Services directly to seek advice prior to submitting their application.
- 23.13** Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include
- recognition of age,
  - seeking proof of age,
  - verifying the authenticity of proof of age cards, and
  - handling refusals and the recording of such refusals.
- 23.14** Premises that sell alcohol should have due regard to proof of age schemes, and this Licensing Authority recommends that the Challenge 25 Policy be used (further details contact Trading Standards). See section 23.30 below for recommended conditions relating to 'Challenge 25'. It should also be noted that there are restrictions on Gambling Activities that children and vulnerable are allowed to access.

### **23.15 Adult Entertainment Services:**

Applicants for licensees should take into account whether entertainment or services of an adult or sexual nature are to be provided at the premises. Whilst it is not possible to give an exhaustive list of such entertainment or services, it would include topless bar staff, striptease, lap/table/pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language.

**23.16** It may be necessary to prohibit or limit the access of children to premises where adult entertainment or services are to be provided.

**23.17** Measures that can be contained in applicants operating schedules include:

- . Limitations on the hours when children may be present
- . The prohibition of children under certain ages from the premises when adult entertainment and services are being provided, or when any licensable activity is taking place.
- . Limitations on the parts of the premises to which children have access
- . Age limitations (below 18),
- . Requirements for accompanying adults (including for example a requirement that children under a particular age must be accompanied by an adult).
- . No display or advertising of the adult entertainment or services outside the premises or in the vicinity of the premises, and
- . That it will be impossible to see or hear the adult entertainments or services from outside of the premises, or from outside of the defined area within the premises where the activities are taking place. Whilst each particular application involving adult entertainment or services will be decided on its own particular merits, this Licensing Authority may (for the protection of children) take into account in its determination of the application the following factors:

- The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons,
- The proximity of the premises to leisure centres used for sporting and similar activities by young persons,
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons,

Note: the proximity will be determined on each individual application at the informed discretion of the Licensing Officer.

### **23.18 Access for children to licensed premises – in general:**

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and any other person who have made representations but only where the licensing authority considers it necessary to protect children from harm. Applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits. However there are certain factors which would cause the Licensing Authority to consider conditioning the access of children to the premises. This is where there is

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and

- ~ outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
  - explain their reasons; and
  - outline in detail the steps that they intend to take to protect children from harm on such premises.
- In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps necessary to be taken to promote the protection of children from harm while on the premises.

### **23.19 Access to live/recorded music events by children/young people**

There is nothing preventing premises making application to the Licensing Authority in relation to holding events for children and young persons and each application will be dealt with on its own merits.

**23.20** The Licensing Authority considers it right and proper to consider the previous history of the premises in arriving at any decision.

**23.21** In respect of this type of event the Licensing Authority will require the applicant to demonstrate what processes they will put in place to prevent:



- the sale/supply of alcohol to person under the age of 18
- the supply and possession of drugs at the premises
- the protection of children in relation to paedophilia

**23.22** To assist applicants the Licensing Authority has suggested conditions which may be suitable for this type of event within its model pool of conditions which can be found on our website at <http://www.herefordshire.gov.uk/docs/Conditions.doc>

**23.23** Whilst the Live Music Act 2012 does create exemptions in relation to the requirement to licence events in certain circumstances the Licensing Authority recommend that operators of such events have systems in place to address the issues mentioned above.

#### **23.24 Exhibition of Films**

It is a mandatory condition on licences authorising the exhibition of films that no person under the age of 18 shall be allowed admission to the exhibition unless the film has been classified as being suitable for their age. The current film classifications are:

- |                          |                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------|
| - U - Universal.         | Suitable for audiences aged four years and over.                                                                   |
| - PG- Parental Guidance. | Some scenes may be unsuitable for young children.                                                                  |
| - 12A-                   | Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult. |
| - 15 -                   | Passed only for viewing by persons aged 15 years and over.                                                         |
| - 18 -                   | Passed only for viewing by persons aged 18 years and over.                                                         |

**23.25** Applicants for licences are expected to demonstrate in their application form the steps that they will take to ensure the age classifications are complied with and that no underage person is allowed to view a film contrary to its classification. Such steps should include an age identification scheme, whereby persons are required to prove their age.

**23.26** Additional steps should include the steps that:

- before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising film, of the statement approved by the Board indicating the classification of the film;
- The age classification of the film shall be displayed both inside and outside the premises, and
- a condition that when a licensing authority has made a recommendation of the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

**23.27 Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays will normally be imposed.

**23.28** However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition

restricting the admission of children in such circumstances may be necessary.

### **23.29 Performances especially for children**

Entertainment may also be presented at cinemas and theatres specifically for children, and Licensing authorities are expected to consider whether a licence condition should be imposed that requires the presence of a sufficient number of adult staff on the premises to ensure the well-being of children present on the premises during any emergency .

**23.30** Where performances are presented especially for unaccompanied children in theatres and cinemas conditions will require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

**23.31** Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

### **23.32 Children in performances**

They are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 (as amended) sets out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions in addition to these requirements, then the licensing authority may consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

### **23.33 'Challenge 25'**

It is unlawful to sell or supply alcohol to persons under the age of 18. Following test purchases operations within the county, it has been established that Challenge 21 has little effect. The Authority therefore requires premises within the county to operate a 'Challenge 25' policy, other than in exceptional circumstances.

**23.34** Licensees should note the concern of the authority that drink related disorder will often involve under 18's. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Joint Tasking Group (passport or photo driving licence or an ID Card containing a PASS Hologram).

**23.35** The recommended conditions are:

1. The Licensee to adopt a “Challenge 25” policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the “Challenge 25” policy.

The following proofs of age are the only ones to be accepted:

- . UK Photo Driving licence
- . Passport
- . PASS Hologram

2. Staff Competence and Training:

The Licensee to keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee to ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer’s age and is able to effectively question purchasers and check evidence of proof of age.

The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under – 18s attempting to purchase alcohol.

3. Refusals Book:

The licensee to keep a register of refused sales of all age- restricted products (Refusals Book).

The refusals book to contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.

The Refusals book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.

The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

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*Section 24: Summary of Information Sharing*

*Information will be shared between partners and other government agencies. Members of the public, who make a justifiable request for information, will be provided with such information, except personal details or those of a commercially sensitive nature..*

**24. INFORMATION SHARING**

**24.1 Licensing Act 2003**

In accordance with Section 185 of the Licensing Act 2003 the licensing authority and the responsible authorities will share information with each other for the purposes of facilitating the exercise of the authority's functions under this Act.

**24.2 Data Protection Act**

Information provided on application forms which was required to process applications and/or to administer the service. It may have contained personal data about the applicant or other person. As the data controller of that information, Herefordshire Council will process that personal data in accordance with the provisions of the Data Protection Act 1998.

**24.3** Where necessary we may share this personal data with partner organisations for the protection of public funds administered which may include the prevention or detection of fraud and auditing purposes.

**24.4 Requests for Information**

The Licensing Authority will provide information contained within Part A of the Premises Licence, whenever reasonably requested to do so. However it is under no duty to reveal any such details as would be excluded in a response to a request made under the Freedom of Information Act.

*Section 25: Summary of Other References & Guidance*

*This section provides details of where further information can be found.*

## **25 OTHER REFERENCES & GUIDANCE**

Applicants are recommended prior to making an application to have regard and to take into consideration in their application the following documents (as appropriate to their premises and the activities that will be provided):-

- The Guidance and information on licensing provided on the website of the Home Office <https://www.gov.uk/alcohol-licensing>
- Technical Standards for Places of Entertainment <http://www.technical-standards-for-places-of-entertainment.co.uk/>
- Home Office: Safer Clubbing Guide [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)
- Metropolitan Police: Safe and Sound ('helping you to manage the threat posed by drugs, weapons and other crime'), <http://www.partyviberadio.com/forums/life/law/36504-safe-sound.html>
- LACORS/TSI Code of Practice on Test Purchasing <http://www.lacors.gov.uk/lacors/upload/23992.pdf>
- Guidance issued by the Security Industry Authority in connection with door supervisors etc. [http://www.sia.homeoffice.gov.uk/Documents/licensing/sia\\_get\\_licensed.pdf](http://www.sia.homeoffice.gov.uk/Documents/licensing/sia_get_licensed.pdf)
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195 <http://www.hse.gov.uk/pubns/books/hsg195.htm>
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X [http://books.google.co.uk/books?id=OGa7glloqk0C&pg=PA857&lpg=PA857&dq=Managing+Crowds+Safely+HSE+2000ISBN+07176-1834-X&source=bl&ots=JArd2NjMC3&sig=sWfM499\\_5p3Y62bksofVNm0GNlg&hl=en&sa=X&ei=wziqUrHZM6O00wWyx0CQBw&ved=0CEIQ6AEwAg](http://books.google.co.uk/books?id=OGa7glloqk0C&pg=PA857&lpg=PA857&dq=Managing+Crowds+Safely+HSE+2000ISBN+07176-1834-X&source=bl&ots=JArd2NjMC3&sig=sWfM499_5p3Y62bksofVNm0GNlg&hl=en&sa=X&ei=wziqUrHZM6O00wWyx0CQBw&ved=0CEIQ6AEwAg)



- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804  
<http://www.abebooks.co.uk/servlet/BookDetailsPL?bi=5739409640&searchurl=isbn%3DISBN0717615804%26amp%3Bx%3D54%26amp%3By%3D8>
- 'The Guide to Safety at Sports Grounds' The Station Office 1997 ("The Green Guide")  
<http://www.safetyatsportsgrounds.org.uk/sites/default/files/publications/green-guide.pdf>
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:  
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005.  
Web site: [www.communities.gov.uk](http://www.communities.gov.uk)

*Section 26: Summary of Other Policies and Objectives*

*This section details other policies which may be associated with licensing of premises.*

**26 OTHER POLICIES AND OBJECTIVES**

**26.1** Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Herefordshire Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant legislation.

**26.2** Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. These Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff,

contractors, passers-by etc. Thus there is considerable overlap between the licensing regime and the wider health & safety regimes.

**26.3** The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications. Planning may make representations in connection with a licensing application if an application has an adverse impact on any the four objectives.

#### **26.4 The Human Rights Act 1988**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way that is incompatible with a Convention Right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and

#### **26.5 The Disability Discrimination Act 1995**

The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees this means;

- It has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;

- Reasonable adjustments should be made for disabled people, such as providing extra help or making changes to the way they provide their services; and
- Reasonable adjustments should be made to the physical features of premises which are open to the public.
- Due regard should be had to these principles

## **26.6 Herefordshire's Race Equality Strategy**

Herefordshire has published its Race Equality Strategy in which Herefordshire sets out how it aims to address race equality issues in the County. The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. Local Authorities are also required under the Race Relations Act 1976 as amended, to produce a race equality scheme, by assessing and consulting on the likely impact of proposed policies on race equality, by monitoring policies for any adverse impact on the promotion of race equality, and by publishing the results of such consultations, assessments and monitoring. Due regard should be had to these principles.

## **26.7 Government Drinking Strategy**

The Government has published an Alcohol Harm Reduction Strategy for England, in this it outlines how the Licensing Act can be used to address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, when the Licensing Authority is considering applications for any relevant licence made under the act. This strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle anti-social behaviour.

## **26.8 Herefordshire's Community Safety Strategy**

Herefordshire's Community Safety Strategy will play a part in achieving some if not all of the objectives in reducing crime and disorder. In addition to this Anti-Social Behaviour Strategy will focus on the first stage of the challenge, which is to make sure that the Council's efforts and relevant resources are working together effectively to reduce anti-social behaviour across the County. As such, these developments will form the Council's position and contribution to the wider multi-agency strategy that will be produced under the Herefordshire Community Safety Partnership. The drive to deal with underage drinking and the impact that it has on anti-social behaviour will be managed through as part of this strategy.

## **26.9 Government & Police Guidance for Clubs and other licensed premises**

For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet – Safer Clubbing (ISBN Number: 1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at [www.drugs.gov.uk](http://www.drugs.gov.uk). The Metropolitan Police have also compiled a booklet entitled Safe and Sound which is available from Metropolitan Police, Clubs and Vice, Charing Cross Police Station, London WC2N 4JP Tele: 020 7321 7759

## **26.10 Fire Protocol**

Hereford & Worcester Fire and Rescue Service have extensive experience when dealing with Licensing application, particularly in respect of outside events and are happy to offer guidance where necessary.

## **26.11 Planning Permissions**

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will

normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation. In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

- 26.12** Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Committee will ensure that the Planning Committee is advised of the situation regarding licensed premises in the Herefordshire including the general impact of alcohol related crime and disorder and any proposals to introduce a saturation policy to assist them in its decision making process. The purpose of a cumulative impact policy is to minimise the cumulative impact of licensed premises where it can be shown that the density of licensed premises is such that it is resulting in anti-social behaviour, noise, or crime and disorder. This conflict may be the result of the late night demand on local resources, for example the queuing for fast food outlets, public transport, etc.
- 26.13** The Licensing Authority however will not take demand into account when considering an application as this is a commercial decision and a matter for planning control and the market.
- 26.14** The potential impact of hot food takeaways, restaurants, pubs and clubs on the local environment and the amenity of the surrounding areas, particularly if proposed on a site that is adjacent to residential properties has to be carefully considered. Consideration also has to be given to the important role that leisure and entertainment uses can play in the regeneration of the economy for Herefordshire.

## **ANNEX 1**

### **SPECIAL CUMULATIVE IMPACT POLICY**

- A1** The Council recognises that the cumulative effect of licensed premises may result in adverse effects on the licensing objectives and amenity and this in turn may have a number of undesirable consequences, for example:
- An increase in crime against both property and persons;
  - An increase in noise and disturbance to residents;
  - Traffic congestion and/or parking difficulties;
  - Littering and fouling.
- A2** The licensing policy is not the only means of addressing such problems. Other controls include:
- planning controls
  - CCTV
  - provision of transport facilities including Taxi Ranks
  - Late Night Levy
  - Early Morning Restriction Orders (EMRO's)
  - Designated Public Places Orders
  - police powers
  - closure powers
  - positive measures to create safer, cleaner and greener spaces
- A3** Where the Council recognise there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for an area if this proves necessary.
- A4** The Guidance to the Act states that the cumulative impact of licensed premises on the promotion of their licensing objectives is a proper matter

for a licensing authority to consider in developing its Statement of Licensing Policy.

**A5** In accordance with the Guidance the Council consulted on the proposal for Cumulative Impact Zones in the area identified as part of the wider consultation on the council's revision of its Statement of Licensing Policy during 2010. Consultation was therefore specifically undertaken with:

- The Responsible Authorities
- Licensees and those representing licensees
- Local Residents and Businesses
- Those representing local residents and businesses.

**A6** In considering whether to adopt such a Policy for the areas, the council took the following steps as recommended by the Guidance:

- Gather crime and disorder statistics, ambulance service statistics, data from A & E and such other statistics that may be appropriate
- Identify serious and chronic concern from a responsible authority or from residents or local businesses (or their representatives) concerning nuisance and/or disorder;
- Identify the area in which problems are arising and the boundaries of that area

**A7** As a result the Council has designated the following areas within Herefordshire as being subject to a special Cumulative Impact Policy:

- Commercial Road full length (both sides) from its junction with Aylestone Hill to its junction with Blueschool Street and Bath Street – a point known as Commercial Square.
- Commercial Square, all sides and in all directions.
- Bath Street (both sides) east 50m from its junction with Commercial Square.
- Union Street (both sides) full length, both to South to St Peter's Square.
- Gaol Street (both sides) from its junction with Union Street East to a point East and starting at the private car park of Hereford Police Station.
- St Peter's Square East into St Owen Street (both sides) for a distance of 150m (opposite Hereford Town Hall).
- St Peter's Square to St Peter's Street – both sides of the streets.



- St Peter's Street to High Town pedestrian precinct – all sides and in all directions.
- High Town pedestrian precinct from its junction with High Street towards Widemarsh Street – all sides of all streets
- Widemarsh Street (both sides) north to its junction with Newmarket Street and Blueschool Street – commonly known as 'Wellington Corner'. Both sides of the streets and in all directions.
- Blueschool Street (both sides) from its junction with Newmarket Street and Widemarsh Street at a point commonly known as 'Wellington Corner' to its junction with Commercial Square
- All streets and locations enclosed within this defined area (as indicated in the shaded area of map Appendix A)

**A8** A summary of the evidence of the problems being experienced is attached to the bottom of this policy. The Licensing Authority are of the opinion based on the evidence that the number of licensed premises in the above areas adversely affect the promotion of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

**A9** Whilst the summary of the evidence was mainly based on crime and disorder, this Council is of the opinion that such crime and disorder also materially and severely affects the promotion of the other licensing objectives in the above areas.

**A10** The effect of the Cumulative Impact Policy is that it creates a rebuttable presumption that application within the cumulative impact area will normally be refused: -

1. Where relevant representations are received against any:  
New applications for Premises Licences, Club Premises Certificates or Provisional Statement, or Variation applications for an existing Premises Licences or Club Premises Certificates
2. Where the police have issued an objection notice in respect of a Temporary Event Notice

**A11** However, this Policy will not prevent applications in the above areas. Each case will be decided on its own merits, but applicants will have to comprehensively demonstrate in their application that it will not add to existing problems in the area.

**A12** The special policy will apply to all the licensable activities of:

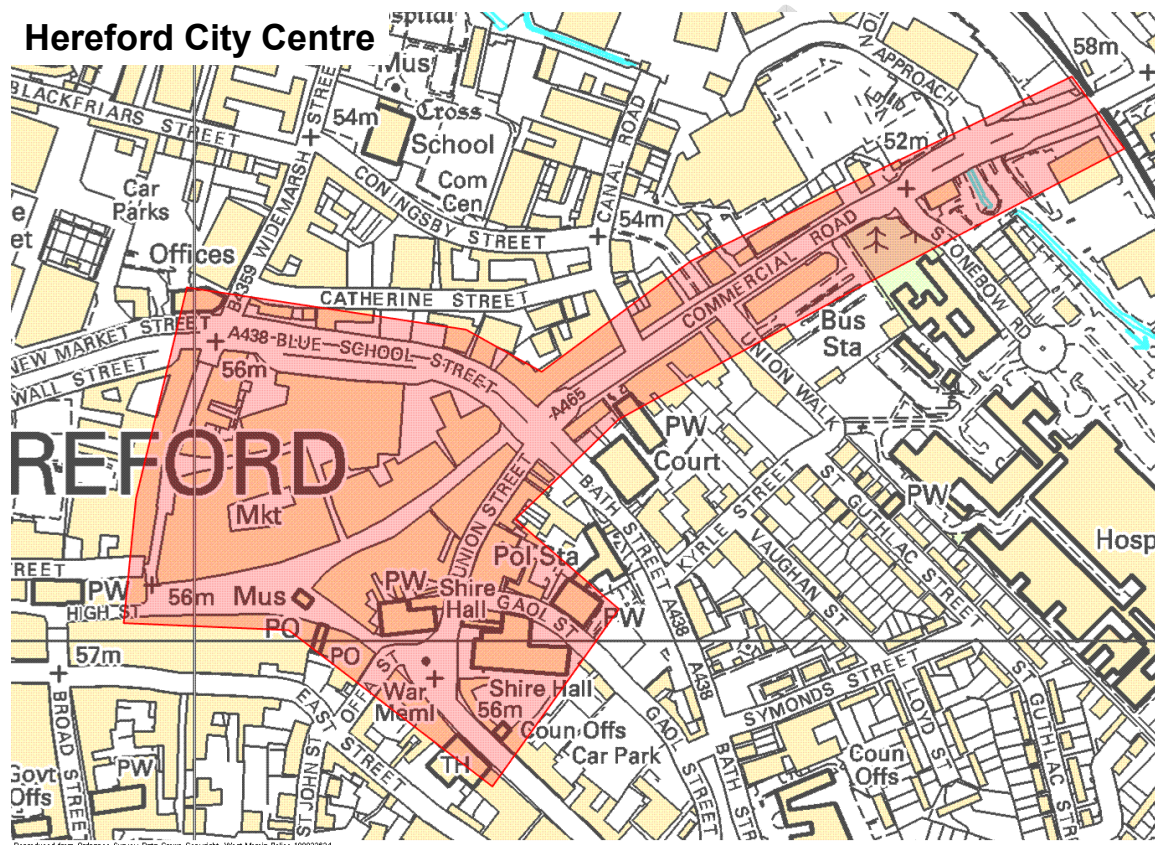
- The sale by retail of alcohol,
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
- Regulated entertainment, and
- The provision of late night refreshment

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# Summary of Crime and Disorder in Hereford - extended Cumulative Impact Zone 2013. Version 2 (March 2013)

## 1.0 Overview

This document is an assessment of crime and disorder within the area outlined in red on the map below. The streets within the area are either within the existing Hereford Cumulative Impact Zone (CIZ) or within the proposed extension to that zone.



## 2.0 Incidents

In the 12 months between 1 January and 31 December 2010 there were a total of 1003 incidents of relevant crime or disorder<sup>1</sup> reported in the area outlined above, of these, 229 incidents went on to be crimed (23%). Of the 1003 incidents 636 (63%) occurred between the hours of 18:00hrs and 04:00hrs, 157 of these went on to be crimed (25%).

In 2011 there were a total of 942 incidents, 201 went on to be crimed (21%). 611 (65%) occurred between 18:00hrs and 04:00hrs, 147 of these went on to be crimed (24%).

<sup>1</sup> Incident types included are; Anti-social Behaviour, assaults, criminal damage, drug offences, sexual offences, public order offences, collapse/illness/injury, concern for safety, licensing, suspicious circumstances.

This shows that, over both years, incidents occurring overnight are slightly more likely to be crimed and thus could be deemed to be more harmful.

**In 2012** there were a total of 1014 relevant incidents, 222 of which have been crimed (22%). There have been 666 overnight incidents (66%), of which 147 have been crimed (22%).

The annual totals for last year show that two thirds of incidents in this area occur between 18:00hrs and 04:00hrs but in 2012 those incidents occurring in that time bracket are as likely not *more* likely to be crimed (as in previous years).

**In January 2013** there were 64 incidents, 10 of which have been crimed (16%). 41 incidents occurred overnight, 6 of which were crimed (15%).

The incident types and their relative proportions are shown in the two tables below. The first shows incidents occurring throughout the day, the second shows only those occurring between 18:00hrs and 04:00hrs.

**Table of all call types throughout the day (all relevant incidents of crime and disorder 2010- January 2013)**

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	475	416	448	27	47.36%	44.16%	44.18%	42.19%
Suspicious Circumstances	187	216	258	17	18.64%	22.93%	25.44%	26.56%
Assaults	87	72	94	7	8.67%	7.64%	9.27%	10.94%
Concern for Safety	73	127	129	9	7.28%	13.48%	12.72%	14.06%
Collapse/Injuries/Injury	67	14	0	0	6.68%	1.49%	0.00%	0.00%
Criminal Damage	61	47	37	2	6.08%	4.99%	3.65%	3.13%
Public Order Offence	32	31	22	1	3.19%	3.29%	2.17%	1.56%
Drug Offences	13	16	21	0	1.30%	1.70%	2.07%	0.00%
Sexual Offence	7	2	5	1	0.70%	0.21%	0.49%	1.56%
Licensing	1	1	0	0	0.10%	0.11%	0.00%	0.00%
<b>Total</b>	<b>1003</b>	<b>942</b>	<b>1014</b>	<b>64</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

**Table of overnight relevant call types (18:00hrs to 04:00 hrs) 2010- January 2013**

Primary Result Description	Number of Incidents 2010	Number of Incidents 2011	Number of Incidents 2012	Number of Incidents Jan 2013	% of total incidents 2010	% of total incidents 2011	% of total incidents 2012	% of total incidents 2013
ASB	328	293	328	19	51.57%	47.95%	49.25%	46.34%
Suspicious Circumstances	92	114	138	11	14.47%	18.66%	20.72%	26.83%
Assaults	65	54	62	4	10.22%	8.84%	9.31%	9.76%
Concern for Safety	30	73	77	5	4.72%	11.95%	11.56%	12.20%
Collapse/Illness/Injury	45	8	0	0	7.08%	1.31%	0.00%	0.00%
Criminal Damage	31	29	21	1	4.87%	4.75%	3.15%	2.44%
Public Order Offence	26	26	17	1	4.09%	4.26%	2.55%	2.44%
Drug Offences	13	12	21	0	2.04%	1.96%	3.15%	0.00%
Sexual Offence	5	1	2	0	0.79%	0.16%	0.30%	0.00%
Licensing	1	1	0	0	0.16%	0.16%	0.00%	0.00%
<b>Total</b>	<b>636</b>	<b>611</b>	<b>666</b>	<b>41</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

Within the CIZ ASB and drug offences are more likely to occur between the hours of 18:00hrs and 04:00hrs. Assaults and criminal damage are as likely to occur as during the day.

This table shows how the 1954 overnight relevant incidents within the period 1 January 2010 to 31 January 2013 are distributed over the week and throughout the night; as expected the peak times for calls are weekends 23:00hrs to 02:00hrs:

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
<b>1800</b>	15	8	16	8	17	14	11	<b>89</b>
<b>1900</b>	15	21	14	19	14	27	12	<b>122</b>
<b>2000</b>	14	12	16	19	15	19	22	<b>117</b>
<b>2100</b>	16	22	18	11	35	33	28	<b>163</b>
<b>2200</b>	20	19	24	17	26	35	27	<b>168</b>
<b>2300</b>	23	20	23	41	73	63	29	<b>272</b>
<b>0000</b>	37	19	15	32	31	85	89	<b>308</b>
<b>0100</b>	18	18	24	24	38	77	98	<b>297</b>
<b>0200</b>	15	9	12	13	14	89	84	<b>236</b>
<b>0300</b>	5	4		4	20	75	74	<b>182</b>
<b>Grand Total</b>	<b>178</b>	<b>152</b>	<b>162</b>	<b>188</b>	<b>283</b>	<b>517</b>	<b>474</b>	<b>1954</b>

Of the 1954 incidents over the period, 909 have been given the “alcohol involved” incident marker (47%).

### 3.0 Crime

Over the period 1<sup>st</sup> January 2010 to 31<sup>st</sup> January 2013 there were 452 incidents (18:00hrs to 04:00hrs) within the area under review that went on to receive an external crime number. Of these 35 were no crimed.

The table below shows the most common offence types (of which there have been four or more offences within the period). The offences in the table account for 79% to 87% of the crime committed in the area within the period and whilst the relative proportions remain largely similar there have been small increases in assault (ABH), criminal damage (to building – not dwelling), common assault, GBH (without intent), criminal damage (vehicle), possession of cannabis and cocaine and assault police officer.

The totals and percentages for January 2013 are shown for completeness.

Short Offence Title	2010	2011	2012	2013	% of offences 2010	% of offences 2011	% of offences 2012	% of offences 2013
Assault (ABH)	37	29	35	0	25%	22%	30%	0%
Using disorderly Behaviour	26	14	5	0	18%	11%	4%	0%
Criminal damage (not dwelling)	18	15	13	1	12%	12%	11%	14%
Common assault	7	12	12	1	5%	9%	10%	14%
Criminal damage (other property)	7	8	3	0	5%	6%	3%	0%
Fear/provocation of violence (s4)	7	7	2	0	5%	5%	2%	0%
GBH (without intent)	5	4	7	1	3%	3%	6%	14%
Malicious wounding	4	8	4	1	3%	6%	3%	14%
Criminal damage (vehicle)	2	6	4	0	1%	5%	3%	0%
Possess class B - Cannabis	3	3	6	1	2%	2%	5%	14%
Possess class A - Cocaine	2	0	8	0	1%	0%	7%	0%
Affray	4	2	3	1	3%	2%	3%	14%
Attempt GBH	2	3	1	0	1%	2%	1%	0%
Assault police officer	0	2	3	0	0%	2%	3%	0%
Total	124	113	106	6	85%	87%	91%	86%
Others	22	17	11	1	15%	13%	9%	14%
Grand Total	146	130	117	7	100%	100%	100%	100%

## INDEX

Access for children to licensed premises – in general	69
Access for emergency vehicles	55
Access to live/recorded music by children/young persons	70
Administration, Exercise and Delegation	8 – 10
Adult Entertainment & Services	50 – 51
Adult Entertainment Services	68 – 69
Alterations to the premises	57
Appeals	36
Application Consultation	16 – 18
Behaviour of Customers Outside Licensed Premises	43
Bingo Clubs	23
Capacity limits	48
Capacity limits	55
CCTV	46
Challenge 25	74 – 76
Children in performances	73
Club Premises Certificates	25
Conditions on Premises Licences and Club Premises Certificates	27
Crime and Disorder	38
Crime prevention notices	48
Data Protection Act	77
Designated Premises Supervisor	21
Designated premises supervisor (DPS)	42
Determinations of Applications	7
Door Supervisors	43
Emergency action notices	55
Enforcement Policy	40
Escape Routes	54
Exhibition of Films	71 – 72
Failed Test Purchases	38
Film Classification	28 – 29
Fire Protocol	83
First Aid	55
Government & Police Guidance for Clubs and other licensed premises	83
Government Drinking Strategy	82
Herefordshire's Crime & Disorder Strategy	83
Herefordshire's Race Equality Strategy	82
High Volume Vertical Drinking	49
Hotel Mini Bars	24
Hours	61
Hours of Licensed Activities	30 – 31
Incident Report Book	44
Indoor sporting events	56
Information Sharing	77
Internet and mail order sales	22
Introduction	1 – 3
Late Night Refreshment	23
Licensing Act 2003	77
Light Pollution	63
Lighting	56

Litter	62
Management and control of customers	61
New Applications	19 – 21
Noise and vibration	62
Noxious smells	63
Open containers not to be taken from the premises	48
Opening Hours	32
Other Policies and Objectives	80 – 84
Other references & Guidance	78 – 79
Performances especially for children	73
Personal Licences	33
Petrol Stations	23
Planning	60
Planning Permissions	83 – 84
Policy Consultation and Review	6
Premises in vicinity of Hereford United – Football Club	49
Premises Licence	19 – 24
Premises Persistently Selling	38
Prevention Of Crime and Disorder	41 – 51
Prevention of Public Nuisance	59 – 63
Proof of age cards	48
Provisional Statements	26
Public Safety	52 – 58
Radios	44
Regulated Entertainment	22
Relevant Representation	12 – 13
Requests for Information	77
Responsible Authorities, Any other person and Representations	11– 12
Reviews and Complaints About Licensed Premises	37 – 39
Reviews launched by members of the public	39
Risk Assessment for the Police	42
Safer Clubbing Guide	53 – 54
Safety Advisor Group	54
Safety Checks	54
Scope of this Policy	4 – 5
Signage	48
Special Cumulative Impact Policy	85 – 92
Special effects	57
Sports Grounds	24
Temporary electrical installations	56
Temporary Event Notices	34 – 35
The Disability Discrimination Act 1995	81
The Human Rights Act 1988	81
The Protection of Children from Harm	64 – 76
The use of glass in licensed premises	45
Theatres	72
Theatres, cinemas, concert halls and similar places	58
Tourism & Employment	83
Training	42
Variations to existing Premises Licences	21
Vehicles and Moveable Structures	23
Vessels and Ships	24
Wholesale of Alcohol	22



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>A Revised 'Statement Of Principles' Policy Under The Gambling Act 2005.</b>
<b>REPORT BY</b>	<b>Director for Economy, Communities and Corporate</b>

**CLASSIFICATION:** Open

### **Key Decision**

This is not an executive decision.

### **Wards Affected**

County-wide

### **Purpose**

To approve the draft Gambling Act Policy Statement of Principles.

### **Recommendation**

**THAT:**            **the draft Gambling Act Policy Statement of Principles, as appended to the report, be approved for consultation.**

### **Alternative Options**

1. To reject the proposed amendments however, this would in effect mean that the policy was not in line with current legislative requirements.

### **Reasons for Recommendations**

2. The revised policy statement 2014-2017 retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication, namely the definition of "premises" in the guidance and the machine entitlements for bingo premises and adult gaming centres.

### **Key Considerations**

3. This policy has had only very minor changes made to reflect legislative updates. This included the definition of "premises" in the guidance and the machine entitlements for bingo premises and adult gaming centres.
4. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Gambling Act during the three-year period to which the policy applies.

5. The statement of principles will last a maximum of three years but can be reviewed and revised by the authority at any time.
6. This is the third Statement of Principles under the Gambling Act 2005, the first being approved in November 2006.
7. The Licensing Objectives under the Gambling Act 2005 are:
  - Preventing gambling being a source of crime or disorder
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and the vulnerable from being harmed or exploited by gambling
9. The Regulatory Committee considered the draft policy on 12 September 2014. The Committee recommended the policy for approval by Council.

## **Community Impact**

10. By exercising the functions correctly in respect of the Gambling Act, an appropriate balance can be struck between the requirement to protect children and the vulnerable from being harmed and exploited, whilst supporting the needs of legitimate business and the local economy.

## **Equality and Human Rights**

11. There are no equality or human rights issues in relation to the content of this report.

## **Legal Implications**

12. The Gambling policy has been drafted to reflect current legislative requirements. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the legislation. However where discretion is allowed then the authority must consider the guidance issued to Licensing Authorities and their Statement of Principles in reaching their decision. Under the relevant legislation, the authority must have in place a relevant policy. Failure to do so would leave the authority in breach and open to challenge.

## **Risk Management**

13. Failure to reach a decision could result in an application for Judicial Review being made.

## **Financial implications**

14. The licensing section is required to operate the function on a full cost recovery basis. The fees for Gambling Act applications have not altered. A robust policy which is fit for purpose is essential if full cost recovery is to be maintained.

## Consultation

### 15. Consultation Strategy

The Gambling Act received royal assent in April 2005 and consolidates regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling into one Act.

The Gambling Act 2005 requires us to consult with various groups before we determine our policy, these include:-

- The chief officer of police for West Mercia
- One or more persons who represent the interests of gambling businesses in Herefordshire
- One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the Gambling Act in Herefordshire.

Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore also include:

- The Responsible Authorities who are consulted on Gambling applications in Herefordshire (Planning, Environmental Health, Child Safeguarding Board, Fire and Rescue Service, HM Revenue and Customs, Gambling Commission)
- All ward Councillors of Herefordshire Council and all Local MPs

The consultation document will be published on the council website.

Consultation will also take place by:-

- Publishing Notices in the local press.
- Writing to all premises licensed under the Gambling Act 2005.
- Local or National organisations identified as having an interest in gambling.
- Notifying Local members.
- Writing to local organisations acting on behalf of young people and children.

The responses will be collated and made available to Members following the consultation process. A summary will be presented to Council. If no responses are received Members can agree the policy be implemented.

## Summary of Main Changes in Policy

16. This policy has had only very minor changes made to reflect legislative updates. This includes the definition of “premises” in the guidance and the machine entitlements for bingo premises and adult gaming centres. The fees remain the same.

## Appendices

Draft statement of Gambling Licensing Policy principles

## Background Papers

- None



**HEREFORDSHIRE  
COUNCIL**

**GAMBLING ACT 2005**

**STATEMENT OF  
GAMBLING LICENSING  
POLICY**

**2014 – 2017**

<b>INDEX</b>	<b>PAGE</b>
Title page	1
Index	2
Foreword	3-4
General	4-6
The Licensing Objectives	7-9
Responsible Authorities	10
Interested Parties	11-12
Representations	13-14
Exchange of information	15
Enforcement	16-17
Licensing Authority functions	18
Duplication with other regulatory regimes	19
Premise Licenses – matters not covered above	20-23
Location	24
Licence conditions	25-28
Numbers of Staff and Door Supervisors	29-30
Protection of children and vulnerable persons - Specific requirements for premises other than Betting Premises	31-33
Betting Premises	34-38
Travelling Fairs	39
Provisional Statements	40-41
Reviews	42-44
Permits/Temporary & Occasional Use Notices	45-46
Alcohol Licensed Premises Gaming Machine permits/automatic entitlement	47-48
Prize Gaming Permits	49
Club Gaming Permits and Club Machine Permits	50-51
Temporary Use Notices	52
Occasional Use Notices	53
Small Society Lotteries	54
Casinos	55
Appendix A – Glossary of Terms	56-60
Contact details	61

## FOREWORD

The Gambling Act 2005 (hereafter referred to as “the Act”) requires licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. The Statement of Principles must be published at least every three years and should be reviewed from “time to time” and any amended parts should be the subject of re-consultation. This is the third Statement of Principles to be published.

This Statement of Principles has been prepared as required by Section 349 of the Act and has had regard to the guidance issued to licensing authorities by the Gambling Commission under Section 25 of the Act, the licensing objectives and the views of those consulted. We have consulted widely upon this statement before finalising and publishing. A list of those consulted can be found at the rear. A full list of comments can be obtained by writing to the Licensing Section. The policy was approved at a meeting of the Full Council on xxxxxxxxxxxx.

Its purpose is to set out the principles that the licensing authority proposes to apply in exercising its functions under the Act. Herefordshire Council as the licensing authority must carry out its functions with a view to promoting the gambling objectives and as such, these objectives provide a framework for the Statement of Principles. 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.

These objectives are supplemented by the core principle of ‘social responsibility’ that will be given effect through the licensing and regulatory decision-making of the Gambling Commission and licensing authorities, and by the publication of codes of practice and guidance by the Gambling Commission and, in the case of licensing authorities, by the preparation of a statement of Gambling Licensing Policy.

## **GENERAL**

### **1.0 Introduction**

- 1.1 The Licensing Authority recognises that the licensed entertainment business sector in Herefordshire contributes to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority wishes to encourage responsible run premises to provide a wide range of entertainment activities throughout their opening hours and to promote gambling in accordance with the licensing objectives. They are a factor in maintaining a thriving and sustainable community, which is one of the Council's aims.
- 1.2 Herefordshire is a mixed commercial and residential area, with many areas lying in tranquil rural surroundings, whose amenity the Council has a duty to protect, and one of the Council's aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.
- 1.3 This policy will set out the general approach that the Licensing Authority will take when it considers applications. It will not undermine the right of any individual to apply for a variety of permissions nor undermine the right to have any such application considered on its individual merits. Nor will it override the right of any 'responsible authority' or 'interested party' to make relevant representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.
- 1.4 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information



for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.

- 1.5 This Policy will be published at least every three years. The Policy may also be reviewed from time to time. Any proposed amended or revised Gambling Licensing Policy will be consulted upon and re-published.
- 1.6 The Gambling Act requires that the following parties are consulted:
  - a) The Chief Officer of Police
  - b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
  - c) 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.
- 1.7 The Licensing Authority will consult widely (but within reasonable limits) upon any Policy Statement review before finalising and publishing it.
- 1.8 A list of comments made and the consideration given by the Council of those comments will be available (subject to the Data Protection Act 1988) on request by contacting the Licensing Section.
- 1.9 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so.
- 1.10 In producing a Gambling Licensing Policy, the Licensing Authority will have regard to In accordance with:
  - the licensing objectives of the Gambling Act 2005

- any relevant current Code of Practice issued by the relevant Government Department,
- the current guidance issued by the Gambling Commission;
- any relevant current statutory regulations,
- and any responses from those consulted on the Policy statement.

Note: The Gambling Commission Guidance to Licensing Authorities, together with other guidance and information is available on the Gambling Commission website:

[www.gamblingcommission.gov.uk/Client/index.asp](http://www.gamblingcommission.gov.uk/Client/index.asp).

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## 2.0 The Licensing Objectives

- 2.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Herefordshire Council (the Council) as the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act.
- 2.2 The licensing objectives are:
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - (b) Ensuring that gambling is conducted in a fair and open way
  - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling (It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.)
- 2.3 With regard to the crime and disorder objective, this Licensing Authority notes that there is no definition of the term 'disorder' in the Act, that there is no indication of the meaning of 'disorder' in the Explanatory Notes to the Act and that the Gambling Commission's current Guidance to Licensing Authority's states that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance" and that the word 'intended' is used without any form of qualification by the Gambling Commission. The Licensing Authority will expect applicants for premises licences to assess the impact of their premises on the locality in relation to crime and disorder, and will give consideration to the measures offered by applicants in relation to this licensing objective and their assessment. The Licensing Authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder. They will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, in determining whether the line has been crossed.
- 2.4 For premises licences the Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed

via operating and personal licences that are issued and regulated by the Gambling Commission.

2.5 With regard to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling:

- (a) Children: This objective is concerned with preventing them from taking part in gambling, consideration will be given as to whether specific measures are required at particular premises. Such measures may include supervision of entrances / machines, segregation of areas, age verification schemes (i.e. 'Challenge 25') etc.
- (b) Vulnerable persons: It is noted that there is no definition or interpretation of the term "vulnerable persons" in the Act. In addition 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 gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." In the view of such lack of statutory interpretation or definition, or definitive guidance from the Gambling Commission, this Licensing Authority shall endeavour to consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this Policy statement will (by way of a revision) be updated with it.

2.6 The Licensing Authority is legally obliged under provisions of the Act when making decisions about premises licences and temporary use notices to aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:

- (a) complies with any relevant code of practice issued by the Gambling Commission
- (b) in accordance with any relevant guidance issued by the Gambling Commission

- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with Herefordshire Council's Gambling Licensing Policy (subject to (a) to (c) above)

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### 3.0 **Responsible Authorities**

3.1 The Act sets out the responsible authorities that can make representations about premises licence applications, or who can apply for a review of an existing licence. In Herefordshire these are:

- The Council as the Licensing Authority
- The Gambling Commission
- West Mercia Police
- Hereford and Worcester Fire and Rescue Authority
- The Councils Planning Department
- The Council's Environmental Health & Trading Standards
- HM Revenue and Customs
- For vessels, the Environment Agency, British Waterways Board, Secretary of State.
- Any other bodies identified in Regulation by the Secretary of State,

A current list of responsible authorities and their addresses can be obtained from the Councils Licensing Team.

#### 4.0 Interested parties

4.1 Interested parties can make representations about applications for new premises licences applications and variations of an existing premises licence, or apply for a review of an existing licence.

4.2 Interested 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 Council 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) above.”

4.3 In determining whether a person is an interested party, the Licensing Authority shall take into account the following principles:

- Each case will be decided upon its merits, subject to the licensing objectives and to any requirements imposed by the Gambling Act, 2005.
- This authority will not apply a rigid rule to its decision making,
- This authority will give the widest possible interpretation to the term ‘business interest’ in accordance with the Gambling Commissions current Guidance to Licensing Authorities’.
- It will take into account any guidance provided by the Gambling Commission’s current Guidance to Licensing Authorities and other current relevant guidance provided by the Gambling Commission to Licensing Authorities.

4.4 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 or MP represents the ward likely to be affected. Other than these however, the Licensing Authority will require written evidence that

a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 4.5 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 Licensing Committee or Sub-Committee dealing with the licence application. If there are any doubts then please contact the Council's Members Support.

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## 5.0 Representations

5.1 Representations for or against premises licence applications and premises licence variation applications must be made in writing, include the name and address of the person making the representation and must contain details of the effect of the application based on one or more of the following: -

- 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 (It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.)
- The Council's Gambling Licensing Policy
- Any relevant current guidance issued by the Gambling Commission,
- Any relevant current code of practice issued by the Gambling Commission,
- The Gambling Act 2005 and any relevant Regulations made there under.

Please note: -

- a) that this Licensing Authority considers 'disorder' to include anti-social behaviour (see number 2.3 above), and
- b) that the Licensing Authority is unable to accept representations made purely on moral grounds or planning grounds or which fall outside of its statutory remit as Licensing Authority .

5.2 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice places at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.

- 5.3 Copies of all valid representations (including names and address) will be sent to the applicant in accordance with the provisions of the statutory regulations made under the act.
- 5.4 Persons making representations should be prepared to attend a Licensing Committee or Sub-Committee hearing to verbally inform the Committee of the grounds for their representation.
- 5.5 The Licensing Authority may determine an application for a premises licence without a hearing if it thinks that the representations: -
- are vexatious,
  - are frivolous, or
  - will certainly not influence it's determination of the application.
- 5.6 When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application (with or without licence conditions).

6.0 **Exchange of Information**

- 6.1 The Council will exchange information with the Gambling Commission, and the other persons listed in Schedule 6 to the Act, when appropriate and necessary. We will also have regard to any current Guidance issued by the Gambling Commission to Licensing Authorities, as well as any relevant current regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.2 Where any formal protocols are established as regards information exchange with other bodies then they will be made available by the Licensing Team upon request.

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## 7.0 Enforcement

7.1 When making decisions regarding enforcement or inspection regimes the Council will take into account the Gambling Commission's current Guidance and will endeavour to be:

- (a) Proportionate: regulators should only intervene when necessary, and remedies should be appropriate to the risk posed, and costs identified and minimised;
- (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- (c) Consistent: rules and standards must be administered, enforced and implemented fairly;
- (d) Transparent: regulators should be open, and keep regulations simple and user friendly; and
- (e) Targeted: regulation should be focused on the problem, and minimise side effects, and
- (f) Within the principles of the Regulators Compliance Code issued by the Department for Business, Enterprise and Regulatory Reform.

7.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

7.3 The Licensing Authority may also adopt a risk-based inspection programme that will be based on the Licensing objectives.

7.4 The Licensing Authority shall whenever appropriate ensure that enforcement is within the principles of the Regulators Compliance Code issued by the Department for Business, Enterprise and Regulatory Reform.

7.5 The Licensing Authority will also keep itself informed of developments as regards any work of the Better Regulation Executive relating to the Licensing Authority's regulatory functions under the Gambling Act 2005.

7.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions that it gives. (e.g. compliance with licence conditions). The Gambling Commission is the enforcement body for the Operating and Personal Licences, Club Gaming Permits, Club Machine Permits and Lotteries. West Mercia Police also has a wide range of enforcement powers available to it under the provisions of the Act. When the Licensing Authority receive complaints about matters falling outside of its remit, such complaints will be referred to the Gambling Commission and/or West Mercia Police and/or such other body as may be appropriate.

7.7 Subject to the above principles relating to enforcement, this Licensing Authority may institute criminal proceedings in respect of an offence under any of the following provisions of the Gambling Act 2005: -

- (a) section 37,
- (b) section 185,
- (c) section 186,
- (d) section 229,
- (e) section 242,
- (f) section 258,
- (g) section 259,
- (h) section 260,
- (i) section 261,
- (j) section 262,
- (k) section 326,
- (l) section 342,
- (m) paragraph 20 of Schedule 10,
- (n) paragraph 10 of Schedule 13, and
- (o) paragraph 20 of Schedule 14.

## 8.0 Licensing Authority functions

8.1 The main functions and responsibilities of the Licensing Authority under the Act are the:

- (a) Licensing of certain premises where gambling activities are to take place and/or gaming machines are provided, by issuing Premises Licences. The types of premises licences being Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), and Betting (Other).
- (b) Issue Provisional Statements for premises being or expected to built or altered, or that a person expects to acquire.
- (c) Issue either Club Gaming Permits or Club Machine Permits to members' clubs and miners' welfare institutes.
- (d) Issue Club Machine Permits to Commercial Clubs
- (e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- (f) Receive notifications for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of two or fewer gaming machines.
- (g) Issue Licensed Premises Gaming Machine Permits for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of more than two gaming machines.
- (h) Register small society lotteries below prescribed thresholds.
- (i) Issue Prize Gaming Permits.
- (j) Receive and endorse Temporary Use Notices.
- (k) Receive Occasional Use Notices.
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section 6 above on 'information exchange').
- (m) Maintain registers of the permits and licences that are issued under these functions.
- (n) Issue notices and other documentation required under the Act and the Regulations made there under.

9.0 **Duplication with other regulatory regimes**

9.1 The Licensing Authority will seek to avoid any duplication with other statutory and regulatory systems where possible, unless it believes such duplication is necessary for the promotion of and compliance with the licensing objectives. When considering an application for a premises licence the council will not (under the provisions of the Act) be able to consider matters such as:

- Whether the premises is likely to be awarded planning or building consent, or
- whether the premises is safe for its use (e.g. structurally, means of escape, fire precautions etc.), or
- whether the use of the premises under the licence may cause any public nuisance (e.g. to residents in the vicinity),

9.2 The Licensing Authority will listen to, and consider carefully, any concerns that an applicant will not be able to meet any proposed licensing condition due to planning restrictions.

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## **PREMISES LICENCES - Matters not covered above**

### **10.0 General Principles**

**10.1** Premises licences may be obtained for the following categories of gambling premises: -

- Betting (other than a Track)
- Betting (Track)
- Bingo
- Adult Gaming Centre
- Family Entertainment Centre

**10.2** Premises Licences are subject to the requirements set-out in the Gambling Act 2005 (the 'Act') and Regulations, as well as specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions (upon application) and also when appropriate to attach additional conditions. The holders of premises licences may apply for the variation of their licences. Premises licences may also be transferred to another party.

**10.3** In exercising its functions as the licensing authority this Licensing Authority will, in accordance with section 153(1) of the Act, aim to permit the use of premises for gambling in so far as it considers it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission
- (b) in accordance with any relevant guidance issued by the Gambling Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with this Gambling Licensing Policy (subject to (a) – (c)).



- 10.4 The grant of premises licences must be reasonably consistent with the licensing objectives, and in this respect this Licensing Authority has considered the Gambling Commission’s current Guidance to Licensing Authorities.
- 10.5 The Licensing Authority will take particular care in considering applications for multiple licences for what may be considered a single premises.
- 10.6 In the Act “premises” is defined as “any place”, and no premises except for a ‘track’ may have more than one premises licence. However, it is possible for a single place such as a building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Licensing Authority does not consider those parts of a place/building that: -
- Has a different postal addresses?
  - Has a separate registration for business rates?
  - Has a neighbouring premises owned by the same person or someone else?
  - Can be accessed from the street or a public passageway?
  - Can only be accessed from any other gambling premises?
  - Would the ordinary person on the street consider that they were one premise or two?
- 10.7 The Licensing Authority will also take particular care in considering applications:
- for a part of a building, when another part of the building is not licensed and is used for non-gambling purposes. In these circumstances the entrances and exits from the licensed premises will have to be separate, identifiable and conspicuously distinct from the unlicensed areas. Persons using the unlicensed areas of the building must not be able to unknowingly ‘drift’ into the licensed area; and/or

- involving access to the licensed premises through other premises (which themselves may be licensed or unlicensed). The Licensing Authority will consider issues such as whether children can gain access; the nature and compatibility of the two establishments; and the ability of the proposed licensed premises to comply with the requirements of the Act and the regulations.

10.8 When an application is made for a premises licence for a premises that is in the course of construction or alteration, or are still to be constructed or altered, the Licensing Authority will take into account the current Guidance issued by the Gambling Commission. The Licensing Authority will also consider:

- whether the premises ought to be permitted to be used for gambling,
- whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place, and
- when the premises intends to start operating under the licence (in order to ascertain whether the application is being made for 'speculative' purposes).

10.9 In considering licensing applications, the Licensing Authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system.
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.

- The steps proposed by an applicant with regard to the licensing objectives and any licence conditions proposed by the applicant

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## 11.0 Location

11.1 When considering the location of a premises the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, and any issues of crime and disorder.

11.2 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons.
- The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons,
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

11.3 Where an area has, or is perceived to have, unacceptable levels of crime and/or, disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

## 12.0 Licence Conditions

12.1 Any conditions attached by the Licensing Authority to any particular licence will be proportionate and will be:

- (a) relevant to the need to make the proposed building suitable as a gambling facility
- (b) directly related to the premises and the type of licence applied for;
- (c) Fair and reasonable in relation to the scale and the type of premises, and
- (d) in the Licensing Authority's consideration be reasonable in all other respects.

12.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control 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 Policy for each of the different licence types.

12.3 The Licensing Authority will also consider specific measures that may be required for buildings that 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 current Guidance.

12.4 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside

any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

- 12.5 The above considerations will apply to premises including buildings where multiple premises licences are applicable.
- 12.6 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Gambling Commission in this respect.
- 12.7 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.
- 12.8 Applicants may offer licence conditions to the Licensing authority as a part of their application. Examples of such conditions are: -
1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
  2. The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
  3. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
  4. "Challenge 25":

- A. The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
  - B. The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
  - C. The following proofs of age are the only ones to be accepted:
    - Proof of age cards bearing the "Pass" hologram symbol
    - UK Photo Driving licence
    - Passport
5. Staff Competence and Training:
- A. The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
  - B. The Licensee shall ensure that each member of staff authorised to verify the age of customers has received training on the law with regard to under age gambling and the procedure if an underage person enters the premises, within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Such training shall be agreed with Herefordshire Council Trading Standards Training and records shall be kept on the premises which shall be made available for inspection by the Licensing Officer, Trading Standards or the Police on demand
  - C. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

6. Refusals Book:
  - A. The licensee to keep a register (Refusals Book) to contain details of time and date, description of underage persons entering the premises, and the name/signature of the sales person who verified that the person was under age.
  - B. The Refusals book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.
  - C. The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

7. CCTV:

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits and outside areas.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

Equipment **MUST** be maintained in good working order , be correctly time and date stamped , recordings **MUST** be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.

The Licence Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format on to any suitable media, to the Police/Local Authority on demand.

The Recording equipment and recording media shall be kept in a secure environment under the control of the Manager or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Police must be informed on contact number **0300 333 3000** immediately.



### **13.0. Numbers of Staff and Door Supervisors**

13.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.

13.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.

13.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.

13.4 It is noted that door supervisors at bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at bingo premises are that the Licensing Authority will expect the door supervisors to have:

- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
- an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.

A book shall be kept at the premises, which is maintained with the following records:

- the identity (including their full name and address) of the door supervisor deployed;
- the time they commenced and finished duty; and
- all incidents that the door supervisors dealt with.

If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.

13.5 The term 'door supervisor' means any person:

- (a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
- (b) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

13.6 For premises other than bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases.

## 14.0 Protection of children and vulnerable persons –specific requirements for premises other than Betting Premises

### 14.1 Adult Gaming Centres: -

The Licensing Authority will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

### 14.2. (Licensed) Family Entertainment Centres

The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- a) Proof of age schemes
- b) CCTV
- (c) The numbers of staff on duty at any one time.

- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) 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. This Licensing Authority will refer to any Operating Licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

#### 14.3. Bingo Premises

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Appropriate measures/licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover. This Licensing Authority will take account of any current guidance from the Gambling Commission as to the suitability and layout of bingo premises.

## 15.0 Betting Premises

15.1 There are two different types of premises that require a betting licence. The licences for these premises are named as “Betting Premises Licence (In Respect Of Premises Other Than A Track)’ and ‘Betting Premises Licence (In Respect Of a Track)’.

### 15.2 Betting Premises Licence (In Respect Of Premises Other Than A Track)

This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.

15.3 This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises,
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

15.4 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- a) Proof of age schemes
- b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors

- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) 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.'

### 15.5 Betting Premises Licence (In Respect Of a Track)

#### General

Tracks are sites (including football stadium, horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.

The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer 'on course' betting facilities at a licensed track.

Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a 'main' premises licence and, in addition, 'subsidiary' premises licences for the parts of the track not covered by the main licence.

### 15.6 Children and Young Persons

Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of

the protection of children and vulnerable persons in relation to each application for premises licences at a track.

We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.

Appropriate measures/ licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) The physical separation of, and clear distinction of areas
- (g) Location of entry
- (h) Notices/signage

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

#### 15.7 Betting machines (also known as Bet Receipt Terminals) at tracks

The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:

- the proliferation of such machines,
- the ability of track staff to supervise the machines if they are scattered around the track, and
- preventing persons under the age of 18 from being able to use the machines.

This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting premises licence.

When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises,
- the number and location of the machines



- the number of counter positions available for person-to-person transactions, and
- the ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

#### 15.8 Condition on rules being displayed at tracks

The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

#### 15.9 Applications and plans for tracks

Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.

The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:

- dog tracks and horse racecourses,
- fixed and mobile pool betting facilities operated by the Tote or track operator, and
- other proposed gambling facilities,

the plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.

Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity

between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

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## 16.0 Travelling Fairs

Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.

There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

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## 17.0 Provisional Statements

Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).

Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence.

If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.

No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

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

- a) which could not have been raised by way of representations at the provisional licence stage, or
- b) which, in the authority's opinion, reflect a change in the operator's circumstances, or
- c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

Note: This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision.

Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

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## 18.0 Reviews

A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

### 18.1 Initiation of review by Licensing Authority

The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.

In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.

In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

### 18.2 Application for review by responsible authorities and interested parties

Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

Note: If the application raises issues that are not relevant to the current Gambling Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section.

Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

- that the grounds are frivolous;
- that the grounds are vexatious;
- that the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

The matters which will generally be considered relevant for any review are:

- (a) any relevant current code of practice issued by the Gambling Commission;
- (b) any relevant current guidance issued by the Gambling Commission;
- (c) the licensing objectives;
- (d) the Council's Statement of Gambling Licensing Policy, and
- (e) The Gambling Act 2005 and the Regulations made thereunder

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## PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

### 19.0 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits (Statement of Principles on Permits)

- 19.1 Unlicensed Family Entertainment Centres (FECs) normally cater for families, including unaccompanied children and young persons.
- 19.2 Unlicensed FECs can only provide category D machines under a gaming machine permit, and an unlimited number of such machines can be made available. Permits cannot be issued to vessels or vehicles.
- 19.3 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 of the Gambling Act).
- 19.4 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 West Mercia Police have been consulted on the application. The Licensing Authority will require applicants to demonstrate:
- a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; ) and
  - c) that staff are trained to have a full understanding of the maximum stakes and prizes.
- 19.5 Whilst the Licensing Authority can grant or refuse an application, it cannot attach conditions to this type of permit.
- 19.6 The Licensing Authority will expect the applicant to show that they have 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:

- a) criminal record checks for staff,
- b) appropriate measures / training for staff as regards suspected truant school children on the premises,
- c) appropriate measures/ training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on or around the premises.

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## **20.0 (Alcohol) Licensed Premises Gaming Machine permits/automatic entitlement**

**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. However the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- (a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- (b) 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 current code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- (c) the premises are mainly used for gaming; or
- (d) an offence under the Gambling Act has been committed on the premises

**20.2** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any current guidance issued by the Gambling Commission and such matters as it thinks relevant. This Council 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. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 20.3 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 to the permit.
- 20.4 The holder of a permit must comply with any current Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 20.5 It is possible that some alcohol licensed premises may wish to for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a Family Entertainment Centre or Adult Gaming Centre premises licence.
- 20.6 Any application for a permit (to allow more than 2 machines) cannot be dealt with under devolved powers and will be required to go before the council's Regulatory Sub-Committee for determination.

## **21.0 Prize Gaming Permits**

- 21.1** The Licensing Authority requires that an applicant sets out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and
  - (b) that the gaming offered is within the law.
- 21.2** In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any current Gambling Commission guidance.
- 21.3** There are statutory and mandatory conditions in the Gambling Act 2005 that the permit holder must comply with and the Licensing Authority cannot impose any additional conditions. The conditions in the Act are:
- (a) the limits on participation fees, as set out in regulations, must be complied with;
  - (b) 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;
  - (c) 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 nonmonetary prize); and
  - (d) participation in the gaming must not entitle the player to take part in any other gambling.

## **22.0 Club Gaming Permits and Club Machines Permits**

**22.1** Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Club Machines Permit. Commercial Clubs may apply for a club Machines Permit. The Club Gaming Permit will enable the premises to provide the number of categories B, C or D gaming machines set out in regulations, equal chance gaming and games of chance. A Club Gaming Machines Permit will enable the premises to provide the number of categories B, C or D gaming machines set out in regulations.

**22.2** The criteria for qualification as a Members Club, Miners' Welfare Institute or Commercial Club are set out in sections 266 to 268 of the Gambling Act 2005.

**22.3** The Licensing Authority may only refuse an application on the grounds that:

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

**22.4** It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police. The grounds on which the Licensing Authority may refuse an application under the process are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act:

- (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.

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## 23.0 Temporary Use Notices

- 23.1 The procedures for temporary use notices are stipulated in the Act and the Regulations made thereunder. There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:
- (a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months, and
  - (b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months (provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).
- 23.2 The purposes for which a temporary use notice may be used are restricted to providing facilities for equal chance gaming (other than machine gaming) where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner. An example of this could be a poker competition. As with "premises" (see Part B, Premises Licences, Definition of "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", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. This Licensing Authority will 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.
- The Licensing Authority will also have regard to the licensing objectives and will object to notices if considers that the gambling should not take place, or only take place with modifications.
- The principles that the Licensing Authority will apply in considering whether or not to issue a counter notice in relation to a temporary use notice are the same as those it will use in determining premises licence applications.



## **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. Although this Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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## **25.0 Small Society Lotteries**

**25.1** The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located.

**25.2** For new applications, the licensing authority shall require the promoter of the lottery to produce a 'basic' Disclosure Barring Service Certificate (DBS) disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority.

**25.3** The Licensing Authority may refuse an application for registration if in their opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

**25.4** The Licensing Authority will adopt a risk based approach towards 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
- failure to submit a return

## 26.0 Casinos

- 26.1 On 27<sup>th</sup> July 2007 at a meeting of the Full Council a Resolution was past under Section 166 of the Gambling Act 2005 not to issue casino premises licences. Details of the Proposal and Minutes can be found at: -

<http://mgintranet/ieListDocuments.asp?Cid=291&Mid=2194&Ver=4>

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**Adult Gaming Centres**

Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence from the Commission and have an AGC premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.

**Alcohol licensed premises gaming machine permits**

The Licensing Authority can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.

**Applications**

Applications for licences and permits.

**Authorisations**

This Policy relates to all authorisations, permits, licences etc, which the Licensing Authority is responsible for under the Gambling Act 2005.

**Betting Machines**

A machine designed or adapted for the use to bet on future real events (not Gaming Machine).

**Bingo**

A game of equal chance. Whilst there is no statutory definition of Bingo, generally there are two different types of bingo:

- cash bingo, where the stakes paid made up the cash prizes that were won; or
- prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

Premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. Adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit, will be able to offer prize gaming, which includes prize bingo.

### **Casino**

An arrangement whereby people are given an opportunity to participate in one or more casino games.

### **Children/Child**

Individual who is less than 16 years old.

### **Club Gaming**

Permit to enable commercial and non-commercial clubs. Machine Permit to provide at their premises the number of gaming machines (Category B, C or D) as set out in the regulations.

### **Club Gaming Permit**

Permits to enable members' clubs and miners' welfare institutes (but not a commercial club) to provide at their premises the number of gaming machines (Category B, C or D), equal chance gaming and games of chance as set out in the regulations.

### **Code of Practice**

Means any relevant current code of practice under section 24 of the Gambling Act 2005.

### **Default Conditions**

Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

## **Disorder**

Disorder includes anti-social behaviour (see number A2.3 of the Policy).

## **Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

## **FECs**

Family entertainment centres.

## **Occasional use notices**

Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tracks for races or sporting events.

## **Operating licence**

Authorised individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non remote activities; separate operating licences are needed for this. Conditions may be attached.

## **Personal licence**

Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

## **Premises**

Premises is defined in the Act as “any place”. A single premises (with the exception of a “track”) may not have more than one premises licence at any time.

## **Premises Licence**

Authorises the provision of facilities for gambling on premises for bingo, betting including tracks, adult gaming centres and family entertainment centres. These licences will be valid for the life of the premises, subject to any review. The licence will lapse if the annual fee is not paid. These licences are transferable to someone else holding a valid operating licence.

## **Prize gaming permits**

This permit allows the provision of facilities for gaming and prizes on specified premises. “Prize gaming” refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

## **Temporary use notices**

These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.

## **Unlicensed family entertainment centre gaming machine permits**

These allow the use of category D gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

## **Vulnerable persons**

See section A2.5(b) of this Policy concerning the ‘definition’ of vulnerable persons

## **Young person**

Persons who are 16 to 18 years old.

## Contact Details

Telephone:- 01432 261761

e-mail:- [Licensing@herefordshire.gov.uk](mailto:Licensing@herefordshire.gov.uk)

Address:- Blueschool House, Blueschool Street, Hereford HR1 2ZB

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<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Adoption Of Schedule 3 Of The Local Government (Miscellaneous Provisions) Act 1982 As Amended By Section 27 Of The Policing And Crime Act 2009 – Regulations Affecting Sex Establishments And Approval of Draft Sex Establishment Policy</b>
<b>REPORT BY</b>	<b>Director of Economy, Communities and Corporate</b>

**CLASSIFICATION:** Open

### **Key Decision**

This is not an executive decision.

### **Wards Affected**

County-wide

### **Purpose**

To approve a draft sex establishment licensing policy.

### **Recommendation**

**THAT:**

- (a) **Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 be adopted; and**
- (b) **the draft sex establishment licensing policy appended to the report, incorporating the amendment proposed at paragraph 18 of the report, be approved for consultation.**

### **Alternative Options**

- 1 Decide not to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- 2 Reject/decide not to adopt the Sex Establishment Licensing Policy which would mean that the local authority would be able unable to legitimately regulate the provision of such establishments within the county.

### **Reasons for Recommendations**

- 3 By adopting the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act and a policy on sex establishment licensing, the local authority can provide clear guidance through policy to operators of such premises on how applications for sex

establishment licences will be assessed and granted. Communities can be protected from an oversupply of such establishments.

## Key Considerations

- 4 The Policing and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to include sexual entertainment venues.
- 5 Unless schedule 3 is formally adopted Herefordshire Council has no power or means of controlling the operation of sex establishments. Adoption allows local authorities to control, by way of a licensing regime, the number, locality and operation of sex establishments in their area. Virtually all other local authorities across the country have carried out this adoption process.
- 6 For successful adoption, the local authority must pass a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 and specify the day the provisions are to come into effect. This must be no earlier than 1 month after the date of the resolution.
- 7 The local authority must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into force.
- 8 These provisions allow the local authority to refuse a licence because there is already an appropriate number of sex establishments in an area and/or that a sex establishment would 'conflict' with the character of the area or other premises nearby e.g. schools, places of worship etc.
- 9 To control the impact of a sex establishment in an area, Schedule 3 of the Act allows a District Council to impose conditions on such things as:
  - hours of opening and closing,
  - the nature of displays or advertisements on or in such establishments and
  - the visibility of the interior of such establishments to passers-by.
- 10 These controls are designed to protect children. The policy on sex establishments will detail what kind of conditions may be appropriate in particular circumstances.
- 11 In Summary schedule 3 to the 1982 Act will, in particular:
  - Allow local authorities to adopt the legislation.
  - Allow local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate, given the character of the area, for example if the area was primarily residential or next to a school etc.
  - Require licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with the local authority.
  - Allow a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
  - Allow a local authority to set a limit on the number of sex encounter venues that they think appropriate for a particular area.
  - Allow a local authority to impose a wider range of conditions on the licences of lap dancing

clubs than they are currently able to under the 2003 Act.

- 12 Subject to agreement to adopt the relevant legislation, then a Policy in respect of the licensing of sexual entertainment venues can be adopted.
- 13 This policy will be subject to the consultation process prior to being brought back before Committee.
- 14 Should Council decide that the amended Schedule 3 of the 1982 Act should not be adopted, the current licensing regime under the 1982 Act will continue so that any premises that operate as a sex shop or sex cinema in Herefordshire will require a licence from the local authority. However any premises operating as a sexual entertainment venue offering relevant entertainment such as lap dancing or pole dancing, will not require a licence under the 1982 Act and may be able to operate unregulated by the local authority.
- 15 Under part (c) above, the local authority can refuse an application for a sex establishment licence if the number of sex establishments in the relevant locality at the time the application is made, is equal to or exceeds the number which the authority considers is appropriate for that locality. When determining the appropriate number of sex establishments in each relevant locality, the 1982 Act provides that the appropriate number may be nil.
- 16 This policy has been drafted on the assumption that the appropriate number will be nil but if Council considers that a different number is appropriate, modifications to the policy will need to be made.
- 17 Furthermore the proposed Sex Establishment Licensing Policy proposes that whilst all applications for sex establishment licences for premises in Herefordshire will be considered on their own merit, there will be a presumption of refusal of applications for such licences.
- 18 The Regulatory Committee considered the draft policy on 12 September 2014. The Committee recommended the policy for approval by Council. It did, however, request consideration be given to whether any amendments should be made to paragraph 6.2 of the policy or its executive summary. The Assistant Director Governance, after consultation with the Chairman, proposes the following amendment should be made, adding to the first sentence of paragraph 5 of the executive summary as follows and deleting the second sentence of that paragraph: *“having regard to what is appropriate for the licensing authority’s relevant locality as referred to in paragraph 3.32 of the Home Office Guidance on Sexual Entertainment Venues (March 2010). Notwithstanding this, any application for a sexual entertainment venue will be received and considered on its individual merits.”*

## **Community Impact**

- 19 To protect children, the vulnerable of the community and to preserve the character of certain localities, it is essential that the current regime is properly regulated. Not being able to licence such premises could have an adverse effect on the community especially those who may be at risk and or need of protecting.

## **Equality and Human Rights**

20. There are no equality or human rights issues in relation to the content of this report

## **Legal Implications**

- 21 The Sex Establishment policy has been drafted to reflect current legislative requirements. Failure to do so would leave the authority in breach and open to challenge.

## **Financial implications**

- 22 The licensing section is required to operate the function on a full cost recovery basis. The fees for Gambling Act applications have not altered. A robust policy which is fit for purpose is essential if full cost recovery is to be maintained.

## **Risk Management**

- 23 Failure to reach a decision could result in an application for Judicial Review being made.

## **Consultation**

- 24 The legislation requires us to consult with various groups before we determine our policy and adoption of the Regulations, these include:-

- The chief officer of police for West Mercia
- One or more persons who represent the interests of Licensed establishments in Herefordshire
- One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the new regulations and policy in Herefordshire.

- 25 Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore also include:

- The Responsible Authorities who are consulted on Licence applications in Herefordshire (Planning, Environmental Health, Child Safeguarding Board, Fire and Rescue Service, HM Revenue and Customs, Gambling Commission)
- All Ward Councillors of Herefordshire Council and all Local MPs

- 26 The consultation document will be published on the Council Website.

- 27 Consultation will also take place by:-

- Publishing Notices in the local press.
- Writing to all premises licensed under the Licensing Act 2003
- Local or National organisations identified as having an interest in Sex Establishments.
- Notifying Local members.
- Writing to local organisations acting on behalf of young people and children.

- 28 The responses will be collated and presented to Council following the consultation process. If no responses are received Members can agree the Policy and Legislation be implemented and state a date when the relevant parts of the Acts will be adopted.

## **Appendices**

Draft sex establishment policy

## Background Papers

- None



# HEREFORDSHIRE COUNCIL

## Licensing of Sex Establishments:

### Statement of Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

## Licensing of Sex Establishments - Statement of Licensing Policy

### Further copies of this document can be obtained from:

Licensing Section,

Herefordshire Council,

Blueschool House,

PO Box 233,

Hereford

HR1 2ZB

Tel: 01432 261761

Email: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

Web: [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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## Licensing of Sex Establishments - Statement of Licensing Policy

### Executive Summary

Section 1	Interpretation	5
Section 2	The purpose of the policy	6
Section 3	The scope of the policy	7
Section 4	Herefordshire district	8
Section 5	Integrating other guidance, policies, objectives and strategies	10
Section 6	Cultural activities in Herefordshire	11
Section 7	General principles	12
Section 8	The licensing process	15
Section 9	Enforcement	20

### Appendices

Appendix 1	Standard conditions	21
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# Licensing of Sex Establishments - Statement of Licensing Policy

## Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 section 2 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This includes lap dancing, pole dancing and other “relevant entertainment”.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

On xxxx Herefordshire Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This applies to whole of the area of the County of Herefordshire.

The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities.

The Council has previously considered the character of the County and it has been decided that the appropriate number of sex establishments shall be nil. This nil policy does not preclude an application being made, and each application received will be considered on their individual merits.

Herefordshire Council has adopted this document as the policy and standard conditions to be applied when determining sex establishment licences within the County of Herefordshire.

This policy will:

- Set out the council’s approach for the benefit of operators
- Guide and reassure the public and other public authorities
- Ensure transparency
- Ensure consistency

## Licensing of Sex Establishments - Statement of Licensing Policy

- Guide and focus the Licensing Committee when making determinations under this legislation.

The policy will deal with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

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# Licensing of Sex Establishments - Statement of Licensing Policy

## 1.0 **INTERPRETATION**

### 1.1 **The Act**

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

### 1.2 **Advertisement**

Any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

### 1.3 **Authorised officer**

An officer employed by Herefordshire Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

### 1.4 **The Council**

Herefordshire Council.

### 1.5 **Character of the relevant locality**

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

### 1.6 **Display of nudity**

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and  
(b) in the case of a man, exposure of his pubic area, genitals or anus.

### 1.7 **Entertainer**

Dancer, performer or other such person employed, or otherwise, to provide relevant entertainment.

### 1.8 **Licence**

Any sex establishment licence that the council can grant under this Act. This includes any associated consent of permission.

### 1.9 **Licensee**

The holder of a sex establishment licence.

### 1.10 **Licensed area**

The part of the premises marked on the plan where licensable activities are to take place.

### 1.11 **The Organiser**

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

## Licensing of Sex Establishments - Statement of Licensing Policy

### 1.12 Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

### 1.13 The Policy

This refers to the sex establishment licensing policy.

### 1.14 Premises

Includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

### 1.15 Relevant entertainment

Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

### 1.16 Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that each ward within the county represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ward.

### 1.17 Responsible person

The person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

### 1.18 Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

### 1.19 Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory functions.

### 1.20 Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

## Licensing of Sex Establishments - Statement of Licensing Policy

### 1.21 Sex shop

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity.

### 1.22 Standard conditions

Any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

### 1.23 Vehicle

A vehicle intended or adapted for use on roads.

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## Licensing of Sex Establishments - Statement of Licensing Policy

### 2.0 THE PURPOSE OF THE POLICY

**2.1** This policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Herefordshire Council as the licensing authority for the County of Herefordshire on **XXXXXXXXXX**. It will be reviewed every 5 years.

**2.2** This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shop and sex cinemas.

**2.3** The council's licensing regime aims to ensure that if sex establishments are granted in Herefordshire that they operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been taken to advertising, staff welfare, external appearance, locality and the number of licensed premises.

**2.4** In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Representatives of the licensing trade (alcohol & entertainment)
- Local residents and their representatives
- Parish and town councils
- Ward Members
- Representatives of existing licence holders
- West Mercia Police
- Herefordshire Council - Environmental Protection
- Herefordshire Council - Safeguarding and Vulnerable
- Herefordshire Council - Planning
- Herefordshire Public Health

This Policy also has regard to the guidance issued by the Home Office.

## Licensing of Sex Establishments - Statement of Licensing Policy

**2.5** The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:

- West Mercia Police,
- Hereford & Worcester Fire and Rescue Service,
- Health and Safety Executive,
- Health Trusts in the district,
- Herefordshire Council Responsible Authorities

**2.6** The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the trade.



## Licensing of Sex Establishments - Statement of Licensing Policy

### **3.0 THE SCOPE OF THE POLICY**

- 3.1** This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within Herefordshire. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 3.2** A sexual entertainment venue is a premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. Relevant entertainment means any live performance or any live display of nudity which is provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at section 2 and 2A of the Act.
- 3.3** A sex cinema means a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or acts of force or restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in section 3 of the Act.
- 3.4** A sex shop relates to a premises used to a significant degree for the selling, etc. of sex articles or other items intended for the use of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found in section 4 of the Act.
- 3.5** Advice on whether a licence is required can be obtained from the Licensing Section of Herefordshire Council. E-mail [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk), Telephone 01432 261761, Address Blueschool House, Blueschool Street, Hereford HR1 2ZB.
- 3.6** Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.

## Licensing of Sex Establishments - Statement of Licensing Policy

- 3.7** This policy seeks to provide advice to applicants about the approach they should take in making applications and the view the council is likely to take on certain key issues.

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## Licensing of Sex Establishments - Statement of Licensing Policy

### **4 Herefordshire Council**

- 4.1** Herefordshire Council, along with its partners, has been working towards ensuring that Herefordshire has a great deal to offer those who live, work or visit here, including a rich heritage, a beautiful natural environment and a wide range of cultural and leisure opportunities. It is a safe place to live and work, with low levels of crime.
- 4.2** Herefordshire extends over 2180 square kilometres (842 square miles). In main, it is a sparsely populated county with a total population of 179,300. A predominate number of people live with the counties' city of Hereford. There are other areas where there is a population concentration and these are within the market towns of Bromyard, Ledbury, Leominster, Kington and Ross-on-Wye. The county comprises of numerous small villages and hamlets.
- 4.3** Herefordshire has an older age profile than both the West Midlands Region and England and Wales, with 22% of the county's population aged over 65, compared with 16% regionally and nationally. The already disproportionately high number of older people in the county is projected to continue to increase more rapidly than nationally.
- 4.4** Herefordshire has just over 900 premises licensed under the Licensing Act 2003. The main centre for entertainment is within the Commercial Road area of Hereford where there are a number of night clubs and large public house which operate until the early hours of the morning.

## Licensing of Sex Establishments - Statement of Licensing Policy

### **5.0 INTEGRATING OTHER GUIDANCE, POLICIES, OBJECTIVES AND STRATEGIES**

**5.1** In preparing this licensing policy the council has had regard to other Herefordshire Council Policies and Government Guidance.

**5.2** The council (through its Licensing Committee) may, from time to time receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 6 it may have regard to them when making licensing decisions.

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

## Licensing of Sex Establishments - Statement of Licensing Policy

### 6.0 **GENERAL PRINCIPLES**

- 6.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

#### **Numbers of Sex Establishments**

- 6.2 Herefordshire Council as the Licensing Authority has set a limit on the number of sex establishments which it considers appropriate. This has been set at nil.

#### **Human Rights**

- 6.3 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

#### **The Provision of Services Regulations**

- 6.4 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:
- **non-discriminatory** in regard to nationality,
  - **necessary** for reasons of public policy, public security, public health or the protection of the environment and
  - **proportionate** with regard to the objective pursued by the legislation.

## Licensing of Sex Establishments - Statement of Licensing Policy

- 6.5** The council will consider these three issues in relation to the refusal of licence applications.

### **Crime and Disorder Act 1998**

- 6.6** The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment;
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

- 6.7** The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that it reasonable can to prevent them.

### **Equality Act 2010**

- 6.8** The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:

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

- 6.9** The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 6.10** The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who

## Licensing of Sex Establishments - Statement of Licensing Policy

work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.

- 6.11** Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

### Staff Training

- 6.12** The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Local Government (Miscellaneous Provisions) Act 1982. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act.

- 6.13** All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, and so on.

- 6.14** Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request by an authorised officer or the police.

### Advertising

- 6.15** As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by council. This approval will be sought at the next available sub-committee hearing. Applicants will be entitled to attend the hearing.

## Licensing of Sex Establishments - Statement of Licensing Policy

### Exemptions

**6.16** Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

**6.17** This exemption does not apply to sex shops or sex cinemas.



### **7.0 THE APPLICATION PROCESS**

**7.1** Applications must be made to the council in the form prescribed in Annex 2. Guidance is available to applicants setting out the detail of the process.

**7.2** An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:

- Application form
- DBS check
- Personal interview either in person, at hearing, by phone or in writing
- Accreditation/Training/Experience.

**7.3** In the first instance, the application will be sent to West Mercia Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide an enhanced CRB checks, or attend an interview, to support their application.

**7.4** The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions.
- has no unspent conviction of a nature that deem him/her unsuitable.
- will not pose a risk to vulnerable adults

**7.5** Applications for sexual entertainment venue sex establishment licence will also show they have:

## Licensing of Sex Establishments - Statement of Licensing Policy

- a clear employees welfare policy
- a clear code of practice for employees
- a clear code of conduct for customers
- a clear policy on pricing, and
- protects the interests of his customers

**7.6** The council will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to the council that the interest of the public is protected.

### **Third Party Beneficiaries**

**7.7** In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.

**7.8** Enquiries may be made via the application form, checks with Companies House, West Mercia Police, personal interview or applicants may be asked to provide business records.

### **Fees**

**7.9** The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

### **Notices**

**7.10** The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of the application
- Advertisement at the premises by way of a site notice for 21 consecutive days

## Licensing of Sex Establishments - Statement of Licensing Policy

- Notice of the application to be sent to the Chief Officer of Police for West Mercia within 7 days of the application.

**7.11** Proof that the applicant has advertised the application will be required.

### Objections

**7.12** Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and can be on any matter.

**7.13** However the appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.

**7.14** Guidance on making an objection can be found on the council's website.

**7.15** The council will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application. However objectors will remain anonymous and efforts will be made to sanitise the contents of the objections so the objector's identity remains anonymous.

**7.16** If objectors wish for their details to be released to the applicant they should make this clear in their objection.

### Hearings

**7.17** The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to the licensing sub-committee (Regulatory Sub-Committee) of 3 councillors or, in appropriate cases to officers of the council.

**7.18** All new applications and any contested renewals or transfers will be determined by a sub-committee of three members of the Licensing Committee.

## Licensing of Sex Establishments - Statement of Licensing Policy

- 7.19** It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five days before the hearing as laid down in Local Government Act 1972.
- 7.20** This notice will provide the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.
- 7.21** The hearing will take place in public except where the public interest requires otherwise.
- 7.22** All parties will be given an equal amount of time to present their case.
- 7.23** Councillors will have regard to the Herefordshire Council Code of Conduct for Members and guidance issued by the Standards Board for England. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Where ever possible, members will not hear applications from within their own ward to avoid any appearance of bias.
- 7.24** A licensing sub-committee may refer an application to another sub-committee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 7.25** The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

### Reasons for decisions

## Licensing of Sex Establishments - Statement of Licensing Policy

**7.26** In determining licence applications under the Local Government (Miscellaneous Provisions) Act 1982 the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.

**7.27** Every decision to refuse a licence made by the Licensing Committee, sub-committee or officers will be accompanied by clear reasons for the decision.

**7.28** Every effort will be made to provide a decision verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow mature consideration of the respective case and a time for the reasoned condition will be drawn up and all parties notified.

### Conditions

**7.29** The council will impose standard conditions on all licences. However if deemed necessary, the council may change, alter or replace the standard conditions with conditions that are relevant to the application. Please see appendix 1 for the standard conditions.

**7.30** Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.

### Refusal of applications

**7.31** Applications for sex establishments can be refused on the following mandatory grounds:

- if the applicant is under 18,
- if the applicant has a disqualification following the revocation of their licence,
- if the applicant is non-resident in the UK,
- company not incorporated in the UK,
- or a previous refusal of the applicant at the same premises in the previous 12 months.

## Licensing of Sex Establishments - Statement of Licensing Policy

**7.32** There are also a number of discretionary grounds. These are:

- if the applicant is unsuitable,
- if the business would be managed by or for the benefit of a third party who would be refused licence in their own right,
- that the number of sex establishments in the locality or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,
- is inappropriate having regard to:
  - ~ Character of relevant locality
  - ~ Use of premises in vicinity
  - ~ Layout, character, condition or location of the premises.
  - ~

**7.33** As stated at 6.1, the council will consider each application on its own merits, taking into account local knowledge, this policy and the guidance provided by the Home Office.

### Right of Appeal

**7.34** Only the applicant has the right to appeal the council's decision to the Magistrate's Court and only on limited grounds. There is no right of appeal for objectors or statutory authorities. Applicants and interested parties are referred to the Local Government (Miscellaneous Provisions) Act 1982, paragraph 27 for further details.

### Period of licence

**7.35** A sex establishment licence will remain in force for up to one year, or for a shorter period should the council think fit.

### Grant, Renewals, Transfer

**7.36** The process for applying for a renewal, transfer or variation of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council's website.

## Licensing of Sex Establishments - Statement of Licensing Policy

### Variation

**7.37** There are some matters required under the standard conditions for which the premises licence holder is required to notify the council. These matters include:

- Variation of standard conditions
- Variation of any of the terms of the licence
- Change in the external appearance of the premises
- Structural changes
- Change in personnel
- Use of a vehicle for advertising purposes
- Change of name of premises

**7.38.** Application to vary conditions of the licence must be advertised by the licensee in the same way as for the application for grant, renewal or transfer.

**7.39** Other matters must be notified to the council in writing, enclosing the appropriate plans, or illustrations as may be required to evidence the application. Some matters may attract a fee. Further guidance is available on the council's website.

### Revocation

**7.40** Should information be received by the council that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, the council may revoke the sex establishment licence.

**7.41** Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Committee and be heard by them.

**7.42** The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.

## Licensing of Sex Establishments - Statement of Licensing Policy

**7.43** The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

### Waiver

**7.44** Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.

**7.45** The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.

**7.46** The application for a waiver uses the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There will be no requirement to advertise the application. There is a fee. Further information can be found on the council's website, or by contacting Entertainment Licensing.

**7.47** The decision to waive the need for a licence will be taken at the next available licensing sub-committee hearing and a Notice of Waiver will be issued in due course.

**7.48** Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.



### 8.0 **ENFORCEMENT**

#### **Enforcement principles**

- 8.1** The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 8.2** In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council 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.
- 8.3** The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.4** The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 8.5** The main enforcement and compliance role for the council in terms of the Local Government (Miscellaneous Provisions) Act 1982 as amended will be to ensure compliance with the conditions placed upon the licence.

## Licensing of Sex Establishments - Statement of Licensing Policy

- 8.6** The council 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.
- 8.7** The council's enforcement/compliance protocols/written agreements will be available upon request.

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## Licensing of Sex Establishments - Statement of Licensing Policy

### Appendix 1 - Standard Conditions

These conditions may be dispensed with, added to or modified by the council. Where, in these conditions, there is a reference to the consent of the council being required, the consent may include terms, conditions and restrictions as appropriate.

### Sexual Entertainment Venues

#### **General**

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The licensee will provide (subject to the satisfaction of both the police and the licensing authority), a code of practice for entertainers and code of conduct for customers, and these must be made available upon request to both the police and authorised officers.
4. All rules (code of practice for entertainers, code of conduct for customers, dispersal policies etc.) to be prominently displayed on the premises.
5. Price lists will be clearly displayed at each table and at each entrance to the premises.

## Licensing of Sex Establishments - Statement of Licensing Policy

6. All rules and price lists as described in conditions 4 and 5 must be printed in a manner which is clear and easy to read during the normal operation of the premises.
7. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.
8. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

### Exhibition of the licence

9. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

### Hours of opening

10. The premises will only be open to the public during the following hours:

Monday	?
Tuesday	?
Wednesday	?
Thursday	?
Friday	?
Saturday	?
Sunday	?

### Conduct on the premises

11. Entertainers will only perform on the stage area or in booths/areas for VIPs as identified on the plan attached to the licence.

## Licensing of Sex Establishments - Statement of Licensing Policy

12. Relevant entertainment will only be performed by the entertainer. There must be no audience participation.
13. There must be no physical contact between entertainers.
14. Customers will not touch the breasts or genital area of entertainers.
15. Entertainers will not directly or indirectly touch the breasts or genital area of customers.
16. Any performance will be restricted to dancing and the removal of clothes.
17. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
18. Sex toys must not be used and penetration of the genital area by any means must not take place.
19. Customers will not be permitted to throw money at the entertainers.

### **External appearance**

20. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following:
  - Strictly No Admittance to Persons Under 18 Years of Age
  - This premises operates a Challenge 25 policy.
  - Persons under the age of 25 will be required to show proof of age.
21. The external appearance of the premises must be approved by the council in writing.
22. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing

## Licensing of Sex Establishments - Statement of Licensing Policy

and proposed street elevation. This must be approved by the council before work is undertaken.

23. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
24. Signage will only be illuminated between 10pm and 2am, and movable signs placed outside the premises will be removed between 2am and 10pm or at the closing time of the premises, whichever is sooner.

### Advertising

25. Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
26. Leafleting/distribution of flyers will only be permitted immediately outside the premises and in such a way where it does not cause public offence. The licensee will remove any leaflets from the Highways within a 100 metre radius of the premises by 2am or at the time the premises closes, whichever is sooner. The licensee will have a flyer distribution policy to be approved by the Council.

### Layout of premises

27. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
28. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

## Licensing of Sex Establishments - Statement of Licensing Policy

### Management of the premises

29. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
30. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
31. The name of the person responsible for the management of the premises, whether the licensee or manager, will be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for the conduct of the premises.
32. Where the licensee is a body corporate, or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
34. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the

## Licensing of Sex Establishments - Statement of Licensing Policy

termination of a lease or other event affecting the licensee's control of the premises.

35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
36. No persons under the age of 18 will be admitted to the premises.
37. The licensee will operate a Challenge 25 age verification policy. People under the age of 25 will be required to show proof of ID. A notice to this effect, in accordance with condition 18 will be displayed on the premises. Such policy shall be written down, kept at the premises and be made immediately available to an authorised officer of the council or the police.
38. The licence holder will not employ any person under the age of 18 in any capacity

### **Safety and security**

39. A suitable CCTV system will be operational on the premises at all times when licensed activities are being carried out. The system will cover all public areas including booths and corridors but not including staff changing rooms or toilets. The system will conform to West Yorkshire Police guidelines (as attached to the licence) in respect of business related CCTV equipment. It will be adequately maintained and be capable of transporting recorded material onto removable media.
40. The siting of the CCTV system will be agreed with West Yorkshire Police prior to installation and will comply with that agreement at all times. Changes to the siting and standard of CCTV systems may only be made with the written consent of West Yorkshire Police.
41. CCTV security footage will be made secure and retained for a minimum period of 31 days' time to the satisfaction of West Yorkshire Police. CCTV footage will be supplied to the police and authorised officers of the Council on request.



## Licensing of Sex Establishments - Statement of Licensing Policy

42. At all times that the premises are open to the public there will be a member of staff on duty who is conversant with operating the CCTV system and who is able to download immediately any footage requested by the police or an officer from the licensing authority or authorised agent.
43. Suitable numbers of Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

### Staff welfare

44. Entertainers will be aged no less than 18 years.
45. All premises that provide relevant entertainment will be expected to provide new entertainers with a pack of information. This pack will include:
  - a. A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
  - b. Details of any other conditions applied by management of the premises
  - c. Details of how to report crime to the relevant authority
  - d. Details of insurance (public liability/personal)
  - e. Details of unions, trade organisations or other bodies that represent the interests of dancers/entertainers
  - f. A copy of the code of practice for entertainers
  - g. A copy of the code of conduct for customers
  - h. Fining policy
  - i. Pricing policy
46. The information provided in the pack will be provided in the dressing rooms.
47. All booths/areas for VIPs used for private dances must be visible to supervision and must not have closing doors or curtains that prevent performances from being observed.
48. All booths/areas for VIPs used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct

## Licensing of Sex Establishments - Statement of Licensing Policy

contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

49. Entertainers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
50. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
51. The licensee will ensure entertainers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
52. The management will maintain a register which details any fines imposed on entertainers which will include the date, type of misdemeanour and amount fined.

### **Vessels, stalls and vehicles**

53. Vehicles will not be used to obtain custom by means of personal solicitation or touting in such a way that causes concern or offence to the public or the licensing authority.
54. Any vehicle used to advertise the premises must comply with the advertising conditions.
55. All forms of advertising on vehicles must be approved by the council prior to use.
56. Vehicles used to transport customers to or from the premises may require a licence issued by Herefordshire Council Taxi and Private Hire Licensing or the Department for Transport. Details of any vehicles brought into service must be notified to the council in writing and details of any relevant licence issued by Herefordshire Council Taxi and Private Hire Licensing, or the Department for Transport must be produced in advance of the vehicle being used.

## Licensing of Sex Establishments - Statement of Licensing Policy

### Variation of conditions

57. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
58. The licensee may apply to the council to vary any of the terms of the licence.
59. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

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## Licensing of Sex Establishments - Statement of Licensing Policy

### Sex Shops

#### **General**

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

#### **Exhibition of licence**

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

#### **Hours of opening**

5. The premises will only be open to the public during the following hours:

Monday	?
Tuesday	?
Wednesday	?
Thursday	?
Friday	?
Saturday	?
Sunday	?

## Licensing of Sex Establishments - Statement of Licensing Policy

### Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, shall not in person, solicit or tout for the business from the premises. All literature used in connection with the business will not contain images or text of a sexually explicit, obscene or offensive nature.

### External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.

Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

### Advertising

12. Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

## Licensing of Sex Establishments - Statement of Licensing Policy

13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. The licensee will remove any leaflets from the highways within a 100 metre radius of the premises. The licensee will have a flyer distribution policy to be approved by the council.

### Layout of premises

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council

### Management of the premises

16. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change.

## Licensing of Sex Establishments - Statement of Licensing Policy

Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.

19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

### **Video recordings**

26. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.

## Licensing of Sex Establishments - Statement of Licensing Policy

27. Items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

### **Vessels, stalls and vehicles**

28. Vehicles will not be used to obtain custom by means of personal solicitation or touting.
29. Any vehicle used to advertise the premises must comply with the advertising conditions. All forms of advertising on vehicles must be approved by the council.
30. Vehicles used to transport customers to or from the premises may require a licence issued by Herefordshire Council Taxi and Private Hire Licensing or the Department for Transport. Details of any vehicles brought into service must be notified to the council in writing and details of any relevant licence issued by Herefordshire Council Taxi and Private Hire Licensing, or the Department for Transport must be produced in advance of the vehicle being used.

### **Variation of conditions**

31. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
32. The licensee may apply to the council to vary any of the terms of the licence.
33. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.



## Licensing of Sex Establishments - Statement of Licensing Policy

### Sex Cinemas

#### **General**

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

#### **Exhibition of licence**

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

#### **Hours of opening**

5. The premises will only be open to the public during the following hours:

Monday	?
Tuesday	?
Wednesday	?
Thursday	?
Friday	?
Saturday	?
Sunday	?

## Licensing of Sex Establishments - Statement of Licensing Policy

### Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

### External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

#### **Strictly No Admittance to Persons Under 18 Years of Age**

This premises operates a Challenge 25 policy.

Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

### Advertising

12. Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not

## Licensing of Sex Establishments - Statement of Licensing Policy

contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Herefordshire Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the premises. The licensee will have a flyer distribution policy to be approved by the council.

### Layout of premises

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

### Management of the premises

16. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue ("the manager"), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.

## Licensing of Sex Establishments - Statement of Licensing Policy

18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

## Licensing of Sex Establishments - Statement of Licensing Policy

### **Vessels, stalls and vehicles**

26. Vehicles will not be used to obtain custom by means of personal solicitation or touting in such a way that causes concern or offence to the public or the licensing authority.
27. Any vehicle used to advertise the premises must comply with the advertising conditions. All forms of advertising on vehicles must be approved by the council.
28. Vehicles used to transport customers to or from the premises may require a licence issued by Herefordshire Council Taxi and Private Hire Licensing or the Department for Transport. Details of any vehicles brought into service must be notified to the council in writing and details of any relevant licence issued by Herefordshire Council Taxi and Private Hire Licensing, or the Department for Transport must be produced in advance of the vehicle being used.

### **Variation of conditions**

29. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
30. The licensee may apply to the council to vary any of the terms of the licence.
31. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.





<b>MEETING:</b>	<b>COUNCIL</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR, GOVERNANCE</b>

## Classification

Open

## Key Decision

This is not an Executive Decision.

## Wards Affected

Ross-on-Wye East and Ross-on-Wye West.

## Purpose

To consider the recommendations of the Audit and Governance Committee on 9 September 2014, following the Ross-on-Wye Community Governance Review.

## Recommendations

**THAT: with effect from 1 April 2015 ('the effective date'):**

- a) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;
- b) The new parish shall be known as 'Ross-on-Wye';
- c) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;
- d) The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;
- e) There shall be a parish council for the new parish of Ross-on-Wye;
- f) The name of that new council shall be 'Ross-on-Wye Parish Council';
- g) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;
- h) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;

- i) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;
- j) The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;
- k) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;
- l) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;
- m) All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council;
- n) From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council;
- o) That no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council;
- p) The Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the Reorganisation Order') (to be substantially in the form set out in Annex 3 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007; and
- q) The Electoral Registration Officer be requested to commence preparatory electoral administrative work from 15 October 2014 as a consequence of the above changes; and that the Reorganisation Order shall have effect from that date for those purposes.

## Alternative Option

- 1 Retain both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council as two separate authorities. The advantage of this option is that governance would continue unchanged. However, this option is not recommended as the Ross-on-Wye Community Governance Review Group ('the review group') accepted the view of Ross-on-Wye Town Council that the current arrangements were inappropriate. This was particularly in view of the proposed expansion of the Ross-on-Wye area outlined in the Herefordshire Local Development Framework. The total population is approximately 10,600, with about 9,600 living in the town and 1,000 living in the rural area. There are nearly 8,000 electors in the combined area. The rural parish area currently has one councillor for every 105 electors, while the town council has one councillor for every 591. Because the Ross-on-Wye Rural area is geographically spread around the town, it does not form one community and is, in effect, the outer edges of the town.



## Reasons for Recommendations

### (a) One local council to represent the whole Ross-on-Wye area

1. The review group considered that it would be beneficial to all residents in Ross-on-Wye Rural and Ross-on-Wye Town to have one council representing the whole area. The town council asked Herefordshire Council to undertake the Community Governance Review because the proposed expansion of the conurbation meant that it was timely to review the existing parish boundaries.
2. The reference to expansion referred to the consultation on the Herefordshire Local Development Framework, which could potentially mean an additional 1,000 dwellings being built in Ross in the period up to 2026. It seemed an appropriate time to carry out a Community Governance Review alongside a planning document which would be in force for the next 15 years.
3. The recommended option would create a unified structure, better able to respond to the potential growth in housing an industry, most of which would take place in the Ross-on-Wye rural area.
4. To effect the preferred changes it is recommended that the existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town cease to exist and their respective parish and town councils be abolished. It is further recommended that a new parish be created covering the combined areas of the two abolished parishes and that the new parish has a new parish council. This last recommendation is mandatory as the combined electorate of the new parish will exceed 1000.

### (b) Name for the new council

5. The name most frequently suggested in response to the consultation was Ross-on-Wye Council, suggested by thirty-eight per cent of respondents. Although the town council wished to retain the title 'Ross-on-Wye Town Council', the review group felt that naming a newly-created council 'Ross-on-Wye Council' would better reflect the fact that there was a new council that represented the Ross rural area as well as the town.
6. There is also a legal impediment to using the name Ross-on-Wye Council. This is because section 14(2) of the Local Government Act 1972 ('the 1972 Act') provides that:  

'(2) The parish council shall be a body corporate by the name "The Parish Council" with the addition of the name of the particular parish.'
7. Accordingly, it is recommended that the name of the new parish council is 'Ross-on-Wye Parish Council.'
8. Section 245 of the 1972 Act allows a parish council to resolve that the parish shall have the status of a town; whereupon the council will bear the name of the council of the town. In addition, the Chairman and Vice-Chairman of a town council are entitled to the style of 'town mayor' and 'deputy town mayor' respectively. This will thus be a matter for the new parish council to determine.

### (c) Electoral arrangements

9. Ross-on-Wye Town Council currently has a higher proportion of voters to councillors than either Ledbury or Leominster town councils. The comparisons are shown in the following table:

<b>Council</b>	<b>Number of councillors</b>	<b>Population (2011)</b>	<b>Electorate (2014)</b>	<b>Electors per councillor (2014)</b>
Ledbury Town	18	9,600	6994	388
Leominster Town	16	11,700	8327	520
Ross-on-Wye Town	12	9,600	7098	591
Ross Rural Parish	8	1000	840	105

10. The review group suggested that 15 councillors might be an appropriate number in any newly created council. However, in the consultation exercise (See annexes), fifty per cent of those who responded thought that 15 councillors would be too few; and a number of respondents suggested that 18 would be an appropriate number. Taking account of the likely increase in council committees resulting from the transfer of assets from Herefordshire Council, and future population growth, the review group recommends that 18 councillors would be appropriate, which would be comparable with arrangements at Ledbury. Councillor numbers would be as in the following table:

<b>Number of councillors</b>	<b>Estimated Electorate (2026)</b>	<b>Electors per councillor</b>
15	9,300	620
17	9,300	547
18	9,300	516
19	9,300	489
21	9,300	443

11. It is therefore recommended that the number of councillors to be elected for the parish of Ross-on-Wye be eighteen.
12. The review group was strongly of the view that the new community governance arrangements should come into force in time for the elections in 2015. It is therefore recommended that the election of all parish councillors for the parish of Ross-on-Wye be held on the ordinary day of election of councillors in 2015; and that the term of office of every parish councillor elected on that date for the parish of Ross-on-Wye be four years.
13. From the table in paragraph 9 above it is clear that there is a wide disparity between the number of electors per councillor in the rural parish (105 electors per councillor) and in the town (591 electors per councillor). Following the review of electoral arrangements for Herefordshire Council, the area subject to this community governance review will be divided into three district wards: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West. The review group was strongly of the opinion that it would be logical and appropriate for the new parish of Ross-on-Wye to be warded in like manner; and that the individual wards should have the same names and comprise the same area of the district wards. This suggestion was notified to the existing councils of the Rural Parish and Town in mid-July. Both councils indicated their support for the proposed warding arrangements.

#### **(d) Procedural matters**

14. The review group did not identify the need for any consequential changes to Herefordshire Council's electoral arrangements as a result of the recommendations concerning the Ross-on-Wye Community Governance Review. Accordingly, this report proposes that no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council.
15. The Audit and Governance Committee considered this matter on 9 September 2014 and made the recommendations to council which are set out above in this report.
16. The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities. The Local Government Boundary Commission for England's involvement is limited to giving effect to consequential recommendations for related alterations to the electoral areas of 'principal councils' (such as Herefordshire).
17. Because this report proposes that no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council, if the council accepts the recommendations to change the current two council arrangements in Ross-on-Wye, that will be the final decision on the matter.
18. Accordingly, it is recommended that Council be requested to give delegated authority to the Assistant Director, Governance to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 (to be substantially in the form set out in Annex 3, subject to any necessary typographical and technical amendments) ('the Reorganisation Order').
19. If the council decides to give effect to the recommendations made in a community governance review it must publicise the decision, and its reasons for that decision. It is therefore recommended that Council be requested to give delegated authority to the Assistant Director, Governance to publicise the outcome of the community governance review in accordance with section 96 of the 2007 Act.
20. If council approves the recommendations, the changes will take effect before the next local elections in May 2015. It is recommended that the effective date for the Reorganisation Order is 1 April 2015. This is because a precept can only be set for a whole year from 1 April to 31 March the following year.
21. As preparatory work for the election of councillors to the new parish council in May 2015 will need to commence well before 1 April 2015, it is further recommended that the Reorganisation Order take effect for such electoral preparatory purposes on 15 October 2014 to enable the Electoral Registration Officer to implement the electoral administrative changes required.
22. As a consequence of the effective date being 1 April 2015, the existing rural parish and town councils will be abolished on that date, but the new councillors for the new council will not be elected until the first Thursday in May 2015.

23. To ensure that Ross-on-Wye has democratically elected representation at parish level during this short period (under six weeks), it is recommended that from 1 April 2015 until the councillors to be elected to the new parish council come into office, the new parish be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council on 31 March 2015 provided that any person who was councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council. This recommendation takes account of the representations made by the current ward members for Ross-on-Wye East and Ross-on-Wye West and Ross Rural Parish Council and Ross-on-Wye Town Council to the Audit and Governance Committee on 9 September 2014.
24. Lastly, it is recommended that all the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council transfer from those councils to the new Ross-on-Wye Parish Council on 1 April 2015.

## **Key Considerations**

25. A Community Governance Review considers whether the electoral arrangements for particular areas are appropriate and if there should be any changes in the areas covered by town and parish councils to make sure communities are represented fairly and appropriately. The review looks at the number of councillors and the parish boundaries and takes into account expected changes in the area, such as a growing population.
26. The review was undertaken by the review group, a working party of Herefordshire councillors, including councillors representing the Ross area. The review was conducted in accordance with the Local Government Boundary Commission guidance on community governance reviews.
27. The review considered whether the town and parish councils should become one council, and looked at how such a change might affect residents. The review also considered the number of councillors needed in any new merged council to best serve the residents in both the town and rural areas. The review was conducted in an open and inclusive way so that the whole community could be involved and make their views known.
28. The Ross-on-Wye area is currently governed by Ross-on-Wye Town Council and Ross Rural Parish Council. However, the physical area that is currently divided between the town and rural parish councils appears increasingly linked as a single whole in terms of economic and recreational activity and planning.
29. Residents of the Ross rural area use and enjoy facilities provided within the town, such as Dean Hill Park, St Mary's Churchyard, the weather station, skatepark, bandstand and allotments. The town council also purchased the Larruperz Centre, which is now run by a community association for the local community. The town council is in negotiation with Herefordshire Council for the possible transfer of other buildings and land under the community asset transfer scheme. Council tax payers living within the town council boundary currently pay approximately £1.50 a week for these facilities, whilst council tax payers in the rural area, who also benefit from these facilities, pay the parish council around £0.15 a week.

30. However, residents in the rural area have no opportunity to express their views about either the current facilities provided by the town council or the proposed asset transfers, which will affect them. Similarly, the views of residents in the town area are not represented in considering developments in the rural area which, nevertheless, impact on the town.
31. To ensure that the review was conducted in an open and inclusive way, and that the whole community had an opportunity to be involved and make their views known, the council conducted a public consultation exercise. The results of the consultation are set out in Annex 2 to this report.
32. The consultation ran from 5 March to 16 April 2014, and there were 98 responses in total. Sixty-four per cent of respondents (63 people), lived in the town, and thirty per cent (29), lived in the rural area. This represents fewer than one per cent of town residents and three per cent of rural residents. The response rate was therefore higher from the residents of Ross Rural area. Seventy-eight per cent of those who responded to the question agreed with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council to form one council representing the whole area. However, only fifty per cent of those living in the Ross Rural area agreed, while ninety-two per cent of respondents living in the town area agreed with the proposal. The Town Council and the Rural Parish Council sent a collective response.
33. Some of the residents of the Ross Rural area felt that Ross Rural residents would be paying more council tax, but would see no benefits. They felt that they should expect to see improvements in, for example, street lighting, car parks and bus services in the rural area, if they were asked to pay more. Some residents were concerned that they might not be properly represented on a newly created council, because it would focus on the needs of the town and its residents. Residents also expressed the view that people living just outside the Ross area, in Bridstow, for example, used the town facilities in the same way as they did, but without being asked to pay an increase in council tax. These views were taken into account by the review group in considering their recommendations. However, they felt that, on balance, the advantages of change, particularly in view of the projected growth in the area, would benefit all residents.

## **Community Impact**

34. The impact of the recommended option would be felt mainly by residents of the Ross-on-Wye Rural area, who would see an increase in their council tax contribution. However, they would also be better represented on the proposed new council.

## **Equality and Human Rights**

35. The recommendation pays due regard to the council's public sector equality duty as set out below, having due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act; and
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Financial Implications**

36. No financial implications arise for Herefordshire Council from this report.

## **Legal Implications**

37. The Ross-on-Wye Community Governance Review has been conducted in accordance with the requirements of Chapter 2 to Part 4 of the Local Government and Involvement in Health Act 2007; and the Guidance on Community Governance Reviews published by the Local Government Boundary Commission for England in March 2010.

## **Risk Management**

38. No risk management implications arise for Herefordshire Council from this report.

## **Consultees**

39. Both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council were consulted, and there was a public consultation exercise. A summary of the responses received are at Annex 2 to this report. Further consultation with the two local councils was undertaken regarding warding arrangements for the proposed new parish council and the response were reported to the Audit and Governance Committee on 9 September 2014.
40. The Ward Members for Ross-on-Wye East and Ross-on-Wye West were consulted.

## **Appendices**

Annex 1: Background information.

Annex 2: Summary of consultation responses.

Annex 3: Draft: The County of Herefordshire District Council (Reorganisation of Community Governance) Order 2014.

## **Background Papers**

None identified.

## Annex 1

### Background information

The Ross-on-Wye area is currently governed by Ross-on-Wye Town Council and Ross Rural Parish Council. However, the physical area that is currently divided between the town and rural parish councils appears increasingly linked as a single whole in terms of economic and recreational activity and planning.

Residents of the Ross rural area also use and enjoy facilities provided within the town, such as Dean Hill Park, St Mary's Churchyard, the weather station, skatepark, bandstand and allotments. The town council also purchased the Larruperz Centre, which is now run by a community association for the local community. The town council is also in negotiation with Herefordshire Council for the possible transfer of the following buildings and land under the community asset transfer scheme:

- The Old Chapel, Cantilupe Road: This is the former registrars' accommodation and a social care locality team, located next to the library.
- The Market House: This is a scheduled ancient monument and was used up until January this year as a heritage / visitor centre. It also hosts an open market beneath the house.
- Homs Road car park: This is for cars and coaches and has flood alleviation infrastructure beneath it.
- Wilton Road car park: This is a free site on the outskirts of the town close to the River Wye.
- Crossfields car park: This is a small pay and display site which serves visitors to the church, bowling club and tennis courts.
- Wye Street public conveniences: These are located near the riverside open space to support tourists, canoeists and events at the bandstand.
- Red Meadow car park public conveniences: These are located in the town centre next to the new Aldi development and serve shoppers and swimming pool users.
- Rope Walk Meadow and playground: This is a large open space which borders the River Wye and is used for summer events, although the area is liable to flooding.
- Blake Memorial Garden: This formal tiered garden is planted with flowers and shrubs and leads from the town centre to the riverside.
- Long Acre: This is a large open space between Wye Street and the River Wye.
- Caroline Symonds Gardens: This is a large open linear space on the opposite side of Wye Street to Long Acre and contains the bandstand and public conveniences.

Those council taxpayers living within the town council boundary currently pay approximately £1.50 a week for these facilities, whilst council tax payers in the rural area, who also benefit from these facilities, only pay the parish council in the region of £0.15 a week.

## Annex 1

However, residents in the rural area have no opportunity to express their views about either the current facilities provided by the town council or the proposed asset transfers. Similarly, the views of residents in the town area are not represented in considering developments in the rural area which, nevertheless, impact on the town.

### Councillor numbers

There are currently 12 councillors representing Ross-on-Wye Town Council and eight which represent Ross Rural Parish Council. The review group has also considered the number of councillors representing the market towns of Ledbury and Leominster.

The below table shows the populations and representations for other areas in Herefordshire:

<b>Council</b>	<b>Number of councillors</b>	<b>Population (2011)</b>	<b>Electorate (2014)</b>	<b>Electors per councillor (2014)</b>
Ledbury Town	18	9,600	6,994	388
Leominster Town	16	11,700	8,327	520
Ross-on-Wye Town	12	9,600	7,098	591
Ross Rural Parish	8	1,000	840	105

### Voluntary positions

It must be highlighted that town and parish councillors are volunteers who are not paid for the work they do, so the number of councillors will not impact on local government costs to council tax payers.

Currently, on Ross-on-Wye Town Council there is one councillor for approximately every 800 residents. If 1,000 new homes raised the population by approximately 2,000, this would probably mean around an additional 1,400 electors (based on the current proportion of electors to residents in Ross Town), giving a total electorate of around 9,300 for a combined Town and Rural area. The Table below sets out the number of electors represented per councillor for various sizes of combined parish council.

<b>Number of councillors</b>	<b>Electorate</b>	<b>Electors per councillor</b>
13	9,300	715
15	9,300	620
17	9,300	547
19	9,300	489
21	9,300	443
23	9,300	404
25	9,300	372

On balance, if the current town and rural parish councils were to be merged, the review group considers that 15 councillors would be an appropriate number to represent the entire Ross-on-Wye area and ensure adequate representation for all residents. The review group considers that having an odd rather than even number should assist decision-making with fewer occasions for matters to be determined by the chairperson's casting vote; and that 15 is an effective size for the new council.



## Annex 1

### Council costs

The cost of the town council to council tax payers is currently about £1.50 a week, while the cost of the rural parish council is about £0.15 a week.

<b>Parish precepts</b>				
	<b>2014-15</b>		<b>2013-14</b>	
<b>Parish council</b>	<b>Amount Required*</b>	<b>Band D</b>	<b>Amount Required*</b>	<b>Band D</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Bromyard and Winslow Town Council	186,955	122.10	171,000	111.20
Hereford City Council	815,715	47.32	724,960	41.39
Kington Town Council	70,000	68.81	64,000	64.11
Ledbury Town Council	271,912	74.32	266,596	73.61
Leominster Town Council	290,228	72.65	241,098	59.84
Ross-on-Wye Town Council	264,635	75.58	196,500	54.79
Ross Rural Parish Council	3,000	6.77	3,000	6.80
* The amount required is met partly through a government grant with the balance being a precept on council tax payers in the parish				



## Annex 2

### Ross-on-Wye Community Governance Review

#### Summary of Consultation Responses

The Ross-on-Wye Community Governance Review considered whether the town and parish councils should become one council. It set out how such a change might affect residents, and also considered the number of councillors needed in any newly merged council. The consultation ran from 5 March to 16 April 2014.

1. There were 98 responses
2. 64% of respondents lived in the town, and 30% lived in the rural area. 6% lived in Herefordshire but outside the Ross-on-Wye area.
3. Of the 63 respondents who lived in the town, 60 (95%) said they would like to be represented by councillors who were able to express views on possible housing and employment developments in the Ross rural area. This represents 66% of all those who responded to the question about representation.
4. Of the 29 respondents who lived in the rural area, 15 (57%), said they would like to be represented by councillors considering matters relating to current and future facilities and assets in the town. 10 said they would not, and four did not know. The 10 who replied No to this question represent 11% of the total responses to the question.
5. A total of 92 people responded to the question 'Do you agree with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council; to form one council representing the whole area?' Of these, 78% said Yes, and 15% said No.
6. Of the 63 responses from people living in the town, 92% answered Yes to the question, while 48.5% of those living in the rural area said Yes.
7. The reasons given for agreeing with the proposal are attached at Annex A.
8. 68% of a total of 95 respondents thought that the proposals reflected the interests and identities of their local community. 60 respondents lived in the town area, and 82% of these answered Yes. 29 respondents lived in the rural area, and 48% of these answered Yes.
9. 18% (17), of the total number of respondents said they did not reflect the interests and identities of their community. Of these, three (3%), lived in the town and 11 (12%), lived in the rural area.
10. Nearly all respondents suggested a name for any newly formed council. The list of suggestions is at Annex B. The most frequently suggested name was 'Ross-on-Wye Council, with 27 respondents suggesting it. The next most frequently suggested name was Ross-on-Wye Town Council, suggested by nine respondents.

11. Just 18% of respondents thought that 15 would be the appropriate number of councillors. 50% of respondents thought 15 would be too few, while 12% thought it would be too many.
12. The majority of both town and rural residents thought 15 would be too few, with 57% of town residents and 41% of rural residents saying it would be too few. 10% of town residents and 14% of rural residents thought 15 would be too many.
13. The reasons given for disagreeing with the proposal are set out in Annex C.
14. Suggestions for improving the proposals are set out in Annex D.
15. Question 8 asked how respondents' own proposals reflected the interests and identifies of their community. Most respondents seem to have misunderstood this question, but the responses are set out in Annex E for completeness.
16. 80% of respondents agreed that it would be fairer for all residents to make the same contribution to the cost of the local council and to be equally represented. 92% of the town residents agreed, while 56% of the rural residents agreed. 37% of rural residents disagreed, while only 1% of town residents disagreed.
17. Other relevant views or comments are set out in Annex F.
18. 52% of respondents were male, and 48% were female. 91% of respondents were in the over 45 age group. 43% were 45-64; 26% were 65 – 74; and 22% were age 75 or over. 75% had no disability, long-term illness or health problems, while 25% were limited to some degree by health issues. These proportions are similar in both town and rural areas.
19. 99% of respondents were white British, while one respondent was Asian.
20. 91% of respondents did not think the proposed changes would affect any particular group of people more than any other. These proportions are similar in both town and rural areas.

Annex A – Reasons given for agreeing with proposals

Annex B – Suggestions given for name

Annex C – Reasons given for disagreeing with proposals

Annex D – Suggestions given for improving the proposals

Annex E – Residents own proposals

Annex F – Other views and comments

Annex G – Other information

Annex H – Tables with answer percentage breakdowns

**Annex A: Question 4a: If you agree with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council to form one council representing the whole area, please tell us why you agree:**

It is an unfair and undemocratic situation where Ross Town Council funds and manages facilities used by non-residents of the town.
I have been a parish councillor in Hereford, not far from Ross and it was one of the most frustrating experiences of my life. Parish Councils are too small and parochial to get anything done and too many people are just there for the kudos of being on the council.
It is better to have one body looking after the interests of Ross
residents in Hildersley & Greytree will be able to engage in decisions on facilities for the area as a whole, it will also be an advantage to be able to have an holistic approach to developing industrial and housing across the whole area
The facilities in Ross-on-Wye town benefit both parishes, and merge would enable more joined up thinking and enable Ross to fund more of its own services in face of county council cuts
This must be an opportunity to reduce any duplication in running to councils and do would be looking for some efficiency savings
Ross Rural is a part of Ross town and should be making a bigger contribution to the running of the town.
Both use same facilities. All residents then able to express views via Cllrs. Falling residents in rural area mean more balanced view overall by combining.
I have no other "centre" to use and therefore I do not mind paying extra if it improves the facilities in the town for residents of both the town and rural. I rely on the town for all my health centres, shopping, church, library and many others and therefore I think I should contribute towards the costs of the benefits.
The two areas roll seamlessly into one on the ground - so why have two public bodies - so sensible on the ground, will save and should give a chance of more democratic and competitive elections to be a Cllr.
The town of Ross would benefit from having more councillors to man committees and would represent the whole town as opposed to the current arrangement.
I agree but only if the other neighbouring parish councils are considered for combining with Ross Town
I think it's obviously much easier to have the area controlled by one council
We will be involved in decisions taken in the Town
Most of the decisions to be made affect all
Most of the decisions to be made affect all
Ross needs more councillors to carry out all the work it needs to do. One council representing the whole town's interests including Hildersley and Greytree makes much more sense. Everyone who lives in Ross and enjoys the same facilities should pay the same precept.
I believe that it will be much more efficient.
It seems superfluous to have two councils to look after such a comparatively small area.
councillors should think of ROSS AS A WHOLE not just the town
It would share the cost of running town services more fairly across the whole of the users.
It is far better to have one body of councillors to look out for the whole Ross area.
More efficient and sensible to look at the whole area together
This will ensure a greater equality of representation between the 2 councils and people that use the facilities of the town that currently live within the rural council will contribute equally.
will improve governance for whole area
I have relatives and friends who live in Ross rural and we all consider ourselves to live in the same town
I believe the interest of town and rural communities are linked. Most parts of Ross Rural council are so close to the Town geographically the problems are just the same for both areas.
Logically, this would result in more 'joined-up' decisions, and expand knowledge to all councillors of the area, its householders and their concerns.
It should reduce the overhead associated with having 2 separate entities doing the same job
As Ross is getting ever bigger, it seems sensible to have one Council with an overall view of the whole Town.
Ross on Wye Rural housing is expanding. More Councillors are needed to support the area. More facilities

will be needed in the Town.
Because it does not make any sense to have two Parish Councils representing one market town.
The rural areas should have more say on what happens in the town and locality (more rural councillors).
cost effective, stronger and more informed
The people in Ross Rural use the same facilities in Ross as I do. I live 1 mile out of centre of Ross
Ross rural just seems pointless its residents use the Towns assets without contributing to them.
Things the town council do, often impact on the rural area and vice versa. Fewer area councils should have more democratic power with Herefordshire Council who tries their best to ignore them
it's silly that it's a different council because I'm the other side of a roundabout
It's time we all came together for the good of the town, and to take it forward.
Comprehensive coverage of a geographical area which forms a viable local authority unit.
Because I consider Ross on Wye to be one community. The residents of Greytrees have a stronger relationship with Ross itself than Hildersley.
because we are all part of Ross
The concept of Ross town distinct from Ross rural is arbitrary and the combined area can plan and develop the combined interests much more efficiently.
Ross Rural does not do anything or own anything - all facilities are owned and run by Ross Town.
Equitable distribution of workload for councillors to handle the considerable number of tasks, notably, asset transfers and those generated by the extensive house building programme. A larger Council can accommodate problems easier, especially when needing to form sub-committees at short notice. No "price tag" is required for the cash-strapped Authority, as. Members are unpaid. Personal employment commitments limit available time for local politics. An equal council tax precept for all properties.
Ross needs effective parish governance and the present arrangements are nonsensical. One Council has the Council Tax base and responsibility for most of the assets; the other has most of the potential growth areas in terms of new housing and industry. We need a strong and unified council able to speak on behalf of the whole community and where everyone pays the same precept and has the same say.
Residents of Ross Rural use Ross facilities. The rural and town are becoming more as one. Would benefit everyone's interests and develop a sensible area as a whole
As a new-comer to the town, this seems common sense. I worked for local government in Surrey and remember the difficulties of the forced local areas in the 1970s which resolved themselves by the 1980s.
Wider provision of facilities to all residents
It makes economic sense
More comprehensive picture of area
More cohesive approach
Less waste of public money on bureaucracy. Less chance of domination by minority interests.
With the asset transfer, those who live in town and rural will be affected - the town will need as many councillors as possible to make it all work.
One council representing the whole area will be able to take integrated decisions on matters which concern both town and rural residents.
Town should not be split in two parts. One town, one council
Ridiculous 2 councils for one small town.
With the very close proximity of the Rural and Town areas, all services and facilities within the town are accessible and used by the Ross Rural Parishioners on a regular routine, who in turn should financially support the Town Council. Based on this reasoning, the merger of the two councils would enhance the above situation.
Rural development impacts upon the town and extended town development will affect the surrounding area.
Rural development impacts upon the town and extended town development will affect the surrounding area.
We all share the same facilities. Combining would mean a better balance in terms of representation and a better balance of parish precept on the council tax
Most of rural precept used to pay clerk, RRPC is not good value for money. With new electoral boundaries for Ross, makes sense to make town/parish council more cohesive. Need combined approach to retail and

employment, e.g. Over Ross and town businesses. Model farm would benefit from same councillors representing all Council Tax increase for rural residents would be less than £1 a week Hildersley development: rural CIL better spent to benefit whole area.
Pooling all resources is a more efficient way of administering matters related to the total area.
Because it is fairer that people in Ross rural benefitting from initiatives paid for by Ross town taxpayers should pay for them too. They would also get more of a say in what happens within the town, especially important now with the asset transfers. Ross rural is generally pointless as an organisation since its budget is so small, and they often have to co-opt councillors due to lack of interest/candidates.
Present situation is unfair and doesn't serve needs of the community.
The current split between town and rural seems rather illogical. It would make more sense to have a single, larger council for the two areas combined.
Ross town needs the merger to meet the district needs and challenges ahead.
Economies of scale i.e. one clerk etc.
Ross Rural do not get a chance to comment on aspects of the town which can affect us greatly.
I feel that if as a local resident I use the facilities of ross town and as I live so close it would make sense to combine the 2 councils
Because it make sense to have just one parish council to cover Ross
Ross needs a united plan for all of Ross
Democracy is hampered by two such weak parish councils - they need to merge in order to strengthen especially as there is a transfer of assets underway
Common Sense
Ross-on-Wye & District' makes a more cohesive body. Two councils, one with a large population and one with a relatively small population, must be less effective than one body.





Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye Council	
Ross-on-Wye District Council	1
Ross-on-Wye Group Town Council	1
Ross-on-Wye Kyrle Council	1
Ross-on-Wye local council	2
Ross-on-Wye Local Council	
Ross-on-Wye locality council	1
Ross-on-Wye Parish Council	3
Ross-on-Wye parish council	
Ross-on-Wye Parish Council Ross-on-Wye Community Council	
Ross-on-Wye Town & District Council	1
Ross-on-Wye town & rural council	2
Ross-on-Wye Town & Rural Council	
Ross-on-Wye Town council	9
Ross-on-Wye Town council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Town Council	
Ross-on-Wye Township Council.	1
South Herefordshire District Council	2
Wye Council	1

**Annex C: Question 7a: If you do not agree with any part of the proposal, please tell us why you do not agree.**

Does not go far enough.
Having been a chairman I know that 15 is too big a group to manage properly and the good ones will get fed up with the slowness of the process and leave-I did.
The Town Council carries out a great deal of work with even more on the horizon with transfer of assets, the proposed number of councillors of 15 is too low, a figure of at least 18 would be needed to man the committees and outside bodies, the numbers need to be more equitable with the other market Towns
Not sure there will ever be consensus as too many councillors have their own "pet" interests which they support and show little or no interest in other parts of the community. Same old faces - nothing changes!
18 councillors would be a better number when you consider the new assets that the town council are taking on.
I would prefer 16. Most towns have an even number which helps limit political majorities in parish councils: something that should be encouraged. The number would then better reflect the same as in another town However, as stated elsewhere, I am not sure that Ross Rural should be the only one to merge as other neighbouring areas will also benefit from the town's facilities and should therefore contribute to them.
The number of Councillors should be the same as representing both councils at present
Ross should have 18 councillors the same as other market towns of a similar size. Having an odd number is irrelevant as not all councillors are always able to attend full council meetings.
I would suggest 18 councillors on the new merged council.
I think there should be at least 18 councillors based on our need and comparisons with the other market towns in Herefordshire. This would still be a reduction on the total current number of town and rural councillors
The role of councillor is expanding and this should be reflected in the number of them
18 councillors will be a more appropriate way to spread the work load
I notice that the combined councillors for the town and rural areas are 20 we need the same representation which is similar to other market towns
At least 18 Councillors will be needed to support new committees needed.
15 are not enough. There are 12 Town Councillors and this is not enough to do all the work now. With asset transfers there will be more work. Ledbury has 18 Councillors, Leominster 16, Bromyard 18 and Kington 15, Even Walford has 13. This is a once in a lifetime chance to get the numbers right, there has been no review since the Parishes were last thrown into the air in 1974. With the planned growth in population we need enough Councillors to be able to do the work in 10, 20 and 30 years' time. We need at least 18.
All local councils should be free of party politics. Depending on the area the council is going to represent, there should be a person to cover each area.
15 councillors does not offer enough opportunity to gather skills necessary in the current situation/s e.g. new housing + more residents
I believe there will need to be between 16 and 18 councillors to serve the community they will represent
Governance review was to look at 3 items, not just merger of the 2 councils. 1. Number of councillors on Town Council, 12 is not enough. 2. Number of councillors on Parish Council, 8 is too many 3. Possibility of merge of the 2 councils.
I think that Ross on Wye Town council on its own should have a similar number to Ledbury, and other towns, 15 would be a fair number.
Rural ross and town are very different and have different needs , if it is one the debates will favour which ever gets more ,
not enough councillors to do what's needed
We should have approx. 18 Councillors as has been suggested.

<p>Ross Town is failing and this suggested merger seems to be The Ross Town Council's cure for their financial problems. Why do they have assets transferred from the county and where is the cost of these assets going to come from? The Town Councillors had no mandate to do this!! There will be NO benefit in the proposed merger to Residents of Ross Rural - only a financial loss! And not just the present substantial precept difference - I fear that the future will be rather bleak. I have been expecting to hear what benefit Ross Rural residents can expect. Assets which are presently available in town to us are equally available to people from farther afield. People in Lea for example come in to Ross for school, shops swimming pool, and skate park. So what will be next - Brampton Abbots -Bridstow, Weston??? All part of Ross Town.</p>
<p>We have 20 councillors between the two councils we should try to keep the same representation particularly if it is not going to cost us any more</p>
<p>I understand that some town councillors do an incredible amount of work which should be shared more equally. The area would be bigger and if compared with other Herefordshire market towns would warrant a greater number of councillors than 15.</p>
<p>15 members are too few for the reasons already explained</p>
<p>Currently the area has 12 + 8 parish councillors. The town councillors are seriously stretched in terms of the workload. Although the administrative workload of two councils will be less, this is more than compensated for by the increased responsibilities currently being taken on by the Town Council. Ross needs at least 18 councillors. The tied vote argument is nonsense because it assumes no absences and no abstentions. If a council has a propensity to split across equally weighted sides, this will happen no matter how many the total number of councillors is, odd or even.</p>
<p>With more councillors, less likely to have the possibility of self-interests creeping in.</p>
<p>I see it as no more than a money-grabbing exercise for Ross Parish to waste on futile plans of asset transfers.</p>
<p>Additional responsibilities as a result of Hereford Councils withdrawal for numerous facilities.</p>
<p>More duties for council with assets transferred. Therefore I suggest around 18 councillors, 6 for each ward.</p>
<p>No thought has been given to the future, all the new houses for Ross are being built in rural not the town, so why do away with the rural parish council. The larger the council the less agreement there will be. Too much huffing and puffing with no outcomes.</p>
<p>Increase in council tax + WATER + any increase to support town council taking over market house etc. What will happen to the un adopted roads with no street lights. Could end up paying more than somebody in the town in same council tax band.</p>
<p>Single ward representation saves money and improves decision-making.</p>
<p>More councillors will be able to help with the increased workload.</p>
<p>The proposed 15 councillors would be insufficient to cover the workload, which in the present climate of asset takeover will be heavy. 18 councillors would be a more appropriate number.</p>
<p>15 councillors would not be enough</p>
<p>18 councillors necessary</p>
<p>I have in the recent past had occasion to question the spending of Ross Town Council in relation to the issue of grants. Having spoken to a particular Councillor, I found it necessary to use the Freedom of Information Act to drag out the facts which gave me cause for concern. I had an interview with the then Mayor in the presence of the Town Clerk, and at the end of the process I concluded that as a body, the Town Council is indiscreet, fails to follow its own rules when using tax payers money and fails to ensure value for money for its local tax payers. With possibly one exception, I consider the members of Ross Town Council to be incapable of properly caring for my and my area's needs and I certainly do not want it representing me in any way. In fact it is because of Ross-on-Wye Town Council's failure to ensure value for money for its local residents, and this history of miss-spending, that I prefer to use facilities at Monmouth where I have seen that the Council has community awareness and insists upon a community benefit for the grants it issues. Facilities in Ross-on-Wye town, whilst possibly being used by residents of Ross Rural area, mainly benefit Ross town residents. The facilities mentioned in the Ross-on-Wye Community Governance</p>

<p>Review Consultation document are in place to encourage visitors into the town, and to spend their money in the town. Whenever I go into Ross on Wye town I do so as a visitor, and if I use a car park, or attend a function in the Larruperz centre, I pay for a "service," not an "amenity." If I visit the town having walked along the Rope Walk, or passed through an open space bordering the river which is used for a summer event, or attend a recital at the band stand, I do so as a "visitor," and I then contribute to the local economy of Ross-on-Wye town by going to the local shops, pubs, restaurants and coffee shops. All the listed attributes within Ross-on-Wye are for the sole benefit of the town and if it is felt that these are unfairly benefiting those of us in Ross Rural area, then by all means take them away. I regularly go to Hereford and Monmouth to use the same type of facility highlighted but I note that their councils do not begrudge it because I am not paying my community charge to them. It has been highlighted in the document that the Town Council is in negotiation for the transfer of buildings such as The Old Chapel, and The Market House. I have had no vote as to whether these so called facilities are transferred, and neither have my current representatives. It is not acceptable that the Town Council take on responsibilities for which they are not in a position to fund, and then transfer the charges onto me. As far as I am concerned, I am happy for The Old Chapel and The Market House to be sold off. At least in private hands there would be some possibility of them being properly cared for! Where will the Ross Town Council go the next time they realise they are failing to manage their finances and need an injection of funds; Bridstow perhaps, or Brampton Abbots, Walford or any other adjoining parish? The suggestion is that this is to do with increasing the number of Councillors, thereby relieving the work load on individuals. As they are unpaid, there would be no cost implication. The reality is that this merger will cost me in excess of £75 per annum extra, and for that I will receive nothing in terms or enhancement of services. Will Hildersley get a car park for this extra tax, to accommodate the ramblers who currently park in The Glebe whilst they go off for their walks? Will the bus service be extended to the Rural areas? The Ross Run Around local bus service currently operates as a 30 minute service around the town. According to the Town Council it is exclusively restricted to the Town Council's area and not for use by those of us living in the Ross Rural area. Will this service be extended to serve Hildersley, or will it be acceptable for us to pay towards it, yet still be excluded from it? Has this even been thought about? Have our existing Rural Councillors been allowed to contribute to these proposals - or have they, as I suspect, been presented with a "take it or leave it" plan? This is not value for money and it is a clear attempt to broaden the limits of the town boundary to extract extra funding from existing neighbours and those who will be occupying the new developments within the rural area.</p>
<p>This is hardly a merger of 2 councils but a takeover of a smaller one by a larger one. There is little benefit to those living in the RRPC area; the only beneficiaries are those living in Ross Town through greater council tax receipts and S 106 and CIL payments from new developments in the rural area.</p>
<p>Rural people do not use the town facilities any more than visitors. I do not know where most of them are.</p>
<p>I am worried that with the smaller number of councillors than the current combined councils, important decisions will be made by too small a group.</p>
<p>15 councillors are too few. Ross needs as many councillors as possible in order to be able to do the increased work associated with the asset transfers. Councillors are essentially unpaid volunteers and this is a resource that Ross really needs.</p>
<p>Need more than 15 councillors to undertake work involved, especially following transfer of assets</p>
<p>15 councillors would be too few: there should be at least 18.</p>
<p>Insufficient information Hildersley is about a mile from the town centre. Why should we pay more than residents of Bridstow, Brampton Abbots etc.?</p>
<p>Ross Rural Parish Council meets the needs of the local community</p>
<p>Government, with all its layers is too expensive</p>
<p>Things work well as they are</p>
<p>Insufficient information re consequences; Hildersley residents would pay more than Bridstow, Brampton Abbots etc. despite being one mile from the town centre.</p>
<p>I think that more councillors will be needed and as they cost almost nothing I don't understand why</p>

there would be an issue to more. The town is looking at a huge amount of extra work with the transfer of the county liabilities and we will need more councillors to help make decisions and see that the work needed is carried out.

If the merger goes ahead then, yet again, the minority (Ross Rural residents) will be dictated to by the majority (Ross Town) whose interests are very different. This situation already exists on the unitary authority with Hereford views dominating and the outlying parts of the county being disadvantaged. To merge the two councils will exacerbate the already bad situation. The residents of Ross rural will be further disenfranchised.

The work of councillors has increased exponentially in recent years and is due to increase even more with the transfer of assets

**Annex D. Question 7b: If you do not agree with any part of the proposal, please tell us your suggestions about how we could improve them**

The proposals should also include residents of other adjacent parishes.
Half of that number (well, not exactly half!)
By merging the two councils this would allow residents in the old rural areas to actively engage in areas such as the Community Centres, Allotments, the increase in numbers of councillors would allow greater access to their local councillor and also with a greater overall budget available more facilities such as play areas could be provided.
Independent councillors who will work for the good of the whole community and not become in it for tat petty party politics. Councillors who have a track record of doing good - not just someone young or a trader in the town - they seem to serve only one small part of the community. Better communication with the people of Ross - either via local newspaper or social media - even better - both!
Care needs to be taken not to subsume the rural residents within the new council. By making it a Group Parish, certain rural aspects could still be dealt with separately in that area.
A bigger council covering all the area will be good for our area of Greytrees
The new council should look at providing services to the rural area which has been. 'neglected over the years
Increase the proposed number of councillors for Ross to 18.
18 Councillors at least for the new Parish Council.
You could hold council meetings in local community halls etc., within the Ross area, so local people in these areas can vent their views.
Use brains and look at town and work it properly for everyone. Rural people also use town and most of it is badly designed and or unusable for most of the year, New leisure pool and football ground at spur for everyone including rural people, Should have sold e pool to Aldi and built new one which bring in people. Housing and tesco on land at spur where road a in place already. One way system reversed as not worked and impossible for tourists to understand.
you need at least 18 councillors
Let matters be as they are. We already contribute to Ross Town by spending money there! One of the reasons we considered when deciding to live here was the cost of living and as a retired person I am in no mood for a sudden increase. If you seriously want to join up Ross Town with Ross Rural you must do it in a more open way. We have not, as a population, been consulted in any way until this review reared its ugly head.
Give us the same number of councillors as we have now e.g. 20
18 councillors (I appreciate it is not an even number but rarely is there a meeting with all councillors present.
20 councillors would be an ideal balance to deal with the demands of Ross
Give Ross at least 18 councillors, six per ward.
Happy with the way it is at present.
Maintain support of organisations such as ART
Leave as it is.
Effective scheme of delegation to improve accountability and waste less time, e.g. a cabinet method like Herefordshire Council.
18 councillors needed to do all the work
If the existing town councillors find that there is altogether too much work involved, then there is assistance available from the rural councillors who I am sure would be only too willing to help. Joint working parties etc., for benefit of us all are available.
Increase the number of councillors on RTC if necessary but do not absorb the rural parish.
If Ross rural is counted as 'town', then all the un adopted roads need to be adopted by them and all need re-tarmacking.
I would prefer to see 17 councillors.
At least 18 councillors seems sensible. Why not 20, replacing the number lost by merging with the

parish council? There are always plenty of candidates standing for election for Ross town council because it gets things done
There should be 18-20 councillors in the new, larger council.
Leave the rural council out of the review
One has to be closer to an area in order to make relevant suggestions
Increase the number of town councillors but leave the rural area as it is
Leave the status quo as it is
Merge the councils with all councillors intact to start with

**Annex E. Question 8: How do your proposals reflect the interests and identities of your local community?**

A more manageable, higher profile group that can perhaps get things done
For the majority of residents in Greytree and Hildersley the already identify with the town and consider themselves as part of the Town, by merging they will have a right to services that they currently have to pay extra for such as burial rights etc.
We have an ageing population in Ross - how is this reflected? So many charity shops - so little choice. ART promoting their own interests - what about a strategic, long-term local plan which has engaged with the local community - easier said than done.
Residents of Ross on wye refer to themselves as such regardless of whether they live in 'Ross Town' or 'Ross Rural'.
They remove the rural interests and overwhelm the needs of the Rural Parish currently existing
I live in Greytree and consider myself a Ross person
The community needs more councillors to represent it and work on its behalf.
Balance the whole area
All the people who live in the new area will be able to be involved in decisions about the whole town
Ross-on-Wye needs to be seen as a single progressing entity, thus attracting the attention of possible new dynamic Industries/Enterprises/new shops and of course, new residents to fill all the new proposed houses in our area.
Looking after such a large area needs more committees and more councillors to act on the behalf of its residents
The 18 Councillors will be better able to do this as there will be enough of them to do the work.
They don't.
would allow for greater spread of representation
2 parish councillors representing Greytree, and 1 parish councillor representing Hildersley on a combined council
Better for everyone
Combining both councils should give the new council more democratic power with the County Council so that we have more of a voice to address the imbalance that currently exists that favours the City of Hereford.
better representation
No comment. I do not represent anyone else!
My family and friends feel we are part of the town even though we live in Greytree
They would be better represented. As a community Ross Rural does not exist - there is no meeting place and is divided into two distinct geographical areas - split by the town.
Would meet the needs of a wide cross-section of tasks.
In fact, the larger the number of councillors, the less likely that the council can be dominated by a particular faction. Given the extreme non-proportionality of the first past the post system in multi-member wards, this is a very important point. Even well organised political parties are unlikely to be able to field six electable candidates in each of three wards.
Friends and neighbours look towards the support for local traders, and their facilities for our benefit and encouragement of tourist to Ross.
They don't
Cannot see it making any difference.
Single member wards to prevent in-fighting and arguing. Makes members more accountable for servicing wards.
A greater spread of councillors will provide a more efficient service for all residents.
The RRPC has been functioning well since 1974. There is no reason to change. The benefits are solely for the town council and not the rural area.
At the Larruperz meeting re the take-over of assets there was overwhelming support for the proposition.



The roads would be the same as town.
Ensures a greater spread of representation.
They ensure that voters get more of a say in the people representing them on the parish council as their preferred candidates will be more likely to get elected. There will also be a greater mix of town councillors better able to reflect the various community interests and identities.
Not sure I understand this question.
The council for the rural area works well so there is no need for the town council to take it over.
The review is primarily for the benefit of the town. The suggestion that those in the rural area use facilities in the town is spurious. Residents in all the other parishes adjoining the town also use the facilities but there is no suggestion that their parish should be taken over. We all use the facilities in Hereford city on the same basis.
It will be better to have one unifying council that looks after the whole area. Easier for residents to understand who they can seek out if they have a problem etc. Ross rural councillors are not known to many.
I believe that the majority of Ross Rural residents would hold these views.

**Annex F: Question 10: Please let us have any other relevant views or comments:**

<p>The current and proposed structure reflects the continuing problem of an out-of-touch Herefordshire Council being too remote from the problems and issues facing local residents in market towns and small parishes. Much more needs to be done to place local matters into the hands of local people. Bring back South Herefordshire District Council!</p>
<p>If anyone wants to know the views of local people get outside Morrisons and ask there-it is the focal point of the town-everyone has to eat!</p>
<p>It is fair that all residents in the area who enjoy the facilities in the urban area contribute to the cost and with the new Community Infrastructure Levy that will come with new developments it will be possible to provide new facilities for the benefit of the whole area. With the asset transfers that are being negotiated at the moment and the neighbourhood plan that is being developed this is a really exciting period, and merging the two councils will bring us firmly into the 21st century. If short I think that to create a new council from the two old ones will be a Win-Win situation for the whole area</p>
<p>There are many good people in Ross but most work out of the town as there are few jobs for skilled people - what would persuade them to stay here? So little choice in shopping. Scruffy town centre. Empty shops turned over to charity shops which are messy and unattractive. What on earth is "cakehol" in the former Bylaw building at the Millpond? Is this how we want to promote our town? When I read some of the councillors views about so much happening in the town I wonder am I living in the same place? Poor PR - list of events. Even cinema showings aren't published in local rag. Come on Ross - let's raise our game and aim high - honestly feel this is the last chance saloon.</p>
<p>The reason I have answered 9 as "Don't know" is because the same contributions should come from other neighbouring areas. A gradual up-lift over three years should be introduced so as not to cause a major financial up-lift Ross rural should not go-it-alone with merging.</p>
<p>I feel that because of the asset transfer from the county council more councillors will be needed to share the huge work load this will generate and hopefully mean a wider pool of expertise too</p>
<p>when we get our new combined council we will hopefully get some of the benefits that are only enjoyed by Ross Town at the moment</p>
<p>This review is a long time coming and should be carried out in a timely fashion to enable the new arrangements to be in place for next year's elections. It is nonsense that some residents of Ross pay less Council Tax than others. All major future development in the town will occur in the rural area and those living in the town should have a say over this.</p>
<p>if we are all treated the same and get the same service</p>
<p>Just that my friends and I think this is a very good idea that should have happened years ago</p>
<p>Provided views of every 'new' resident (i.e.: rural householders) are given exactly the same weight as those within the town; Facilities currently existing in rural areas do not suffer, e.g.: bus routes, road cleaning and repair remain as current.</p>
<p>In a democratic land, all residents should have equal representation. One gets a little tired of pessimistic views of the future of Ross-on-Wye. The Town is in a superb position, (probably one of the best in the whole County and Region), which should be the envy of all those who visit it.</p>
<p>18 Councillors will be a reduction on the number of Parish Councillors representing Ross at the moment. Ross Town has 12, Ross Rural 8, total 18.</p>
<p>Local councils don't have enough say on local matters. They can always be overruled by the county council, who know nothing of local conditions etc.</p>
<p>I feel that the review is being carried out by 4 members of the Town Council who are also County Councillors. Ross Rural Parish is not being represented on this review. The Town council have previously stated that they wish to take over Ross Rural Parish Council and wish to have a say on the planning gain money obtained from the proposed erection of about 280 houses in Hildersley.</p>
<p>No it's fair to pay what we can afford</p>
<p>Unfortunately Herefordshire Council spends most of its money in the City of Hereford, on things like unwanted shopping centres and ignores the wishes of people who live outside Herefordshire. I</p>

doubt that changes to rural and town councils will make a scrap of difference and wonder what the real aim of this is.
I think this should have happened years ago
With all the developments taking place like transfer of assets and proposed new housing, an amalgamation at the earliest practical opportunity seems sensible.
I cannot answer Q9 because we pay for no representation. I have never had an opportunity to vote for a parish councillor. I have voted in all elections* available to me all my life - but no election has ever taken place for parish councillor in the 15 years since we settled here. I have voted for a county councillor but no one ever bothered to show face around here. *except police commissioner because I had not had information to make a decision!
We would like improvements in facilities such as a playground for the children in Greytrees
The sooner the better
No decision on numbers must rest on covert party politics, that is, arrangements envisaged for political gain.
I believe Ross Council are well aware and capable of managing to the increase in its population and expansion of facilities for the benefit of its residents and encouragement of tourism to the town.
In the news one hears about keeping parishes, villages, pubs, shops etc. alive for its community. By taking away Ross Rural you are denying people that choice.
It would be unfair to treat certain wards as inferior in terms of contribution to corporate whole.
This has all the hallmarks of a done deal, going through the motions of a pretend consultation. I would be surprised if there has been any meaningful discussion with local rural councillors, and I am sure that there has not been sufficient regard to the enhancement of facilities available to Rural residents. The only consideration here is financial benefit to the Town Council. Every town in the country has individual attributes for which it has to pay, maintain and manage. Most towns are prepared to share those attributes, happy in the knowledge that they can, if properly managed, generate income for the town. They provide value to the larger community, and benefit from goodwill by giving the Town an air of generosity and community. If Ross Town Council doesn't want us to benefit from riverside walks, or strolls along the Rope Walk without payment, perhaps they should follow the French Riviera example and cordon the area off, making a charge for entry for non-town residents.
What is the 'Ross Area'? All residents of the adjoining parishes also use facilities in the town without the additional cost to their local precept and the town council is not proposing a merger with those. By transferring assets from the County, the town council is merely moving cost from one public body to another
Ross-on-Wye Rural Parish Council receives an income, based on the Council Tax precept, of £3000 p.a. but their only assets and liabilities are two notice boards and two public benches! The Rural Parish Council has to hire the Larruperz Community Centre for council meetings, basically paying the Town Council to hire one of their assets! The general public has very little contact with the Ross Rural Councillors and there is complete apathy regarding public attendance at the Rural Council AGMs and the bi-monthly Council meetings.
Where I live is totally different from town.
I would like it to be ensured that the new council, if approved, is clearly a separate entity from its predecessors, and not a take-over by the larger one.
Let the town council have more members if it wishes. This is not a matter for those in the rural area.
This review is merely to serve the interests of Ross town Council. Residents in the rural area will see no benefit other than an increase in their council tax.
Inadequate data Poorly designed/written questionnaire
We need a minimum of 18 Councillors - work load distribution mainly as well as fairer representation. All Councillors should never bring their political views to the council table.
We should all be working together for Ross
I think it would be fair for all constituents in new council's area to pay equally for the use of services and facilities in the town and wider district.

## Annex G: Other information

### What is your gender?

	Number	%
<b>Total responses</b>	<b>94</b>	<b>100</b>
Male	49	52%
Female	45	48%
Total	94	100%

### What is your age band:

	Number	%
<b>Total responses</b>	<b>98</b>	<b>100</b>
0 – 15 years	0	0%
16 – 24 years	1	1%
25 – 44 years	8	8%
45 – 64 years	42	43%
65 – 74 years	26	26%
75 + years	21	22%
Total	98	100%

### Do you have a disability, long-term illness or health problem (12 months or more) which limits daily activities or the work you can do?

	Number	%
<b>Total responses</b>	<b>95</b>	<b>100</b>
Yes – limited a little	18	19%
Yes – limited a lot	6	6%
No	71	75%
Total	95	100%

### How would you describe your national identity? (Tick as many as apply)

	Number	%
<b>Total responses</b>	<b>96</b>	<b>100</b>
White British/English/Welsh/Scottish/Northern Irish	95	99%
Other White	0	0%
Any other ethnic group	1(Asian)	1%
Total	96	100%

We want to ensure that the changes made are fair to everyone.

To help us do this, please tell us if you think the changes suggested will particularly affect any group of people due to characteristics such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

	Number	%
<b>Total responses</b>	<b>86</b>	<b>100</b>
Yes	8	9%
No	78	91%
Total	86	100%

**If yes, please describe why.**

Council meetings are seen as boring by the young and male by women. If you want to get women interested in what's happening get into the Children's Centres, particularly the Ryefield Centre and ask there!
not sure I think someone will be left out bit like government will rob Peter to pay for Paul
People in the Ross area are getting older. It would be useful if they could get to council meetings (in their local area) with transport provided if need be.
If the Town Council and residents of Ross take over the assets being sold off by the County Council, Ross residents and Ross residents only should have control of the way they are run. It is also in my humble opinion after living in Herefordshire for some thirty years, it is possibly the worst Council in the whole of the UK and has nothing in my opinion to commend it. I would like all that's south of the A40/M50 to be part of Gloucestershire, Don't be afraid to share this opinion with the full council.
Why do you try to divide people into different groups- you cannot compartmentalise people!
The extra costs of rates one for rural and one for parish will be too much of an extra cost for a lot of families and OAPs.
Town facilities are too far away.
It all depends on what changes are introduced
We have an aging population so should consider this carefully when proposing/implement changes

## Annex H; Tables

### Q.1 Please say where you live

	Number	%
<b>Total responses</b>	<b>98</b>	<b>100</b>
Ross-on-Wye Town	63	64%
Ross-on-Wye Rural	29	30%
Outside Ross area, but in Herefordshire	6	6%
Outside Herefordshire	0	0%
<b>Total</b>	<b>98</b>	<b>100%</b>

### Q.2a If you live in the town area, would you like to be represented by councillors able to express views on possible housing and employment developments in the Ross rural area?

	Number	%
<b>Total responses</b>	<b>63</b>	<b>100</b>
Yes	60	95%
No	1	2%
Don't know	2	3%
<b>Total</b>	<b>63</b>	<b>100%</b>

### Q.2b If you live in the rural area, would you like to be represented by councillors considering matters relating to current and future facilities and assets in the town, such as the parks and Christmas lights?

	Number	%
<b>Total responses</b>	<b>32</b>	<b>100</b>
Yes	18	57%
No	10	32%
Don't know	4	1%
<b>Total</b>	<b>32</b>	<b>100%</b>

### Q.3 Do you agree with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council; to form one council representing the whole area?

	Number	%
<b>Total responses</b>	<b>92</b>	<b>100</b>
Yes	72	78%
No	14	15%
Undecided	6	7%
<b>Total</b>	<b>92</b>	<b>100%</b>

**Q.3 Ross Town respondents only**

**Do you agree with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council; to form one council representing the whole area?**

	Number	%
<b>Total responses</b>	<b>63</b>	<b>100</b>
Yes	58	92%
No	2	3%
Undecided	3	5%
<b>Total</b>	<b>63</b>	<b>100%</b>

**Q.3 Ross Rural respondents only**

**Do you agree with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council; to form one council representing the whole area?**

	Number	%
<b>Total responses</b>	<b>29</b>	<b>100</b>
Yes	14	48.5%
No	12	41.5%
Undecided	3	10%
<b>Total</b>	<b>29</b>	<b>100%</b>

**Q.4b If you agree, do the proposals reflect the interests and identities of your local community?**

	Number	%
<b>Total responses</b>	<b>95</b>	<b>100</b>
Yes	65	68%
No	17	18%
Undecided	13	14%
<b>Total</b>	<b>95</b>	<b>100%</b>

**Q.4b Ross Town respondents only**

**If you agree, do the proposals reflect the interests and identities of your local community (Town residents only)?**

	Number	%
<b>Total responses</b>	<b>60</b>	<b>100</b>
Yes	49	82%
No	3	5%
Undecided	8	13%
<b>Total</b>	<b>60</b>	<b>100%</b>

#### Q.4b Ross Rural residents only

If you agree, do the proposals reflect the interests and identities of your local community (Rural residents only)?

	Number	%
<b>Total responses</b>	<b>29</b>	<b>100</b>
Yes	14	48%
No	11	38%
Undecided	4	14%
<b>Total</b>	29	100%
	Number	%

Q.6 The review group considers that 15 councillors would be the appropriate number for a new, merged council. Do you think this is:

	Number	%
<b>Total responses</b>	<b>98</b>	<b>100</b>
The right number	18	18%
Too many	12	12%
Too few	50	50%
No view on the matter	18	18%
<b>Total</b>	98	100

#### Q.6 Ross Town respondents only

The review group considers that 15 councillors would be the appropriate number for a new, merged council. Do you think this is:

	Number	%
<b>Total responses</b>	<b>63</b>	<b>100</b>
The right number	12	19%
Too many	6	10%
Too few	36	57%
No view on the matter	9	14%
<b>Total</b>	63	100

#### Q.6 Ross Rural residents only

The review group considers that 15 councillors would be the appropriate number for a new, merged council. Do you think this is:

	Number	%
<b>Total responses</b>	<b>29</b>	<b>100</b>
The right number	4	14%
Too many	4	14%
Too few	12	41%
No view on the matter	9	31%
<b>Total</b>	29	100



**Q.9 Would you agree that it would be fairer for all residents of the Ross area to pay the same contribution to the cost of the local council and to be equally represented?**

	Number	%
<b>Total responses</b>	<b>94</b>	<b>100</b>
Yes	75	80%
No	12	13%
Don't know	7	7%
<b>Total</b>	<b>94</b>	<b>100%</b>

**Q.9 Ross Town residents only**

**Would you agree that it would be fairer for all residents of the Ross area to pay the same contribution to the cost of the local council and to be equally represented?**

	Number	%
<b>Total responses</b>	<b>61</b>	<b>100</b>
Yes	56	92%
No	1	2%
Don't know	4	6%
<b>Total</b>	<b>61</b>	<b>100%</b>

**Q.9 Ross Rural residents only**

**Would you agree that it would be fairer for all residents of the Ross area to pay the same contribution to the cost of the local council and to be equally represented?**

	Number	%
<b>Total responses</b>	<b>27</b>	<b>100</b>
Yes	15	56%
No	10	37%
Don't know	2	7%
<b>Total</b>	<b>27</b>	<b>100%</b>



# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

## The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014

**Made: 26 September 2014**

**Coming into force: in accordance with Article 1**

The County of Herefordshire District Council ('the council'), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), has undertaken a community governance review and on 26 September 2014 made the following recommendations:

That, with effect from 1 April 2015:

- a) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;
- b) The new parish shall be known as 'Ross-on-Wye';
- c) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;
- d) The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;
- e) There shall be a new parish council for the new parish of Ross-on-Wye;
- f) The name of that new parish council shall be 'Ross-on-Wye Parish Council';
- g) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;
- h) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;
- i) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;
- j) The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;
- k) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;
- l) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;
- m) All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council; and
- n) From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council on 31 March 2015 provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council.

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

## **Citation and commencement**

1.—(1) This Order may be cited as ‘The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014’.

(2) Subject to paragraphs (3) and (4) below, this Order shall come into force on 1 April 2015.

(3) Article 7(2) below (which establishes the number of parish councillors for the new Ross-on-Wye Parish Council) shall come into force on the ordinary day of election of councillors in 2015.

(4) For the purposes of proceedings preliminary or relating to the election of parish councillors for the new Ross-on-Wye Parish Council, to be held on the ordinary day of election of councillors in 2015, this Order shall come into force on 15 October 2014.

## **Interpretation**

2. In this Order:

‘**district**’ means the district of the County of Herefordshire;

‘**existing**’ means existing on the date this Order is made;

‘**new parish**’ means the parish constituted by article 4 below;

‘**ordinary day of election of councillors**’ has the meaning given by section 37 of the Representation of the People Act 1983; and

‘**registration officer**’ means an officer appointed for the purpose of, and in accordance with, section 8(c) of the Representation of the People Act 1983.

## **Effect of Order**

3. This Order has effect subject to any agreement under section 99 of the 2007 Act (agreements about incidental matters) relevant to any provision of this Order.

## **Amalgamation of existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town and constitution of new parish of Ross-on-Wye**

4.—(1) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish comprising the area outlined (as to part) in light blue and (as to the remainder) in orange on the map.

(2) The new parish shall be known as ‘Ross-on-Wye’.

(3) In consequence of paragraph (1), the existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist.

## **Dissolution of parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town**

5. The existing parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved.

## **Parish council for the parish of Ross-on-Wye**

6.—(1) There shall be a new parish council for the new parish of Ross-on-Wye.

(2) The name of that new council shall be ‘Ross-on-Wye Parish Council’.

## **Election of Parish Councillors for the parish of Ross-on-Wye**

7.—(1) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years.

(3) Where any provision of an Order made before the making of this Order requires an election of parish councillors for a parish mentioned in paragraph 4(1) above to be held on a date other than that for which paragraphs 7(1) and 7(2) provide, it shall cease to have effect to that extent.

### **Wards of the new parish of Ross-on-Wye and number of parish councillors**

8.—(1) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West wards of the parish of Ross-on-Wye Town, shall all be abolished;

(2) The number of councillors to be elected for the new parish of Ross-on-Wye shall be eighteen.

(3) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;

(4) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six.

### **Annual meeting of the new parish council**

9. The annual meeting of the new Ross-on-Wye Parish Council in 2015 shall be convened by the Assistant Director, Governance of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### **Electoral register**

10. The registration officer for the Council shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### **Transfer of property, rights and liabilities**

11. All the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the Ross-on-Wye Parish Council on the date specified in Article 1(2) above.

### **Transitional provision**

12. Until the parish councillors elected to the new Ross-on-Wye Parish Council at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by those persons who were councillors for Ross-on-Wye Rural Parish Council and/or Ross-on-Wye Town Council on 31 March 2015 provided that any person who was a councillor for both of those councils on that date shall have only one vote on the new Ross-on-Wye Parish Council.

### **Order date**

13. 1 April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

**The Common Seal of the County of Herefordshire District Council  
was hereunto affixed on 26 September 2014 in the presence of:**

**Bill Norman**

Assistant Director, Governance  
(Authorised Officer)





<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Review Of Polling Places, Polling Districts And Polling Stations</b>
<b>REPORT BY:</b>	<b>Returning Officer</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

Countywide

## Purpose

To approve a new scheme of polling places, polling districts and polling stations.

## Recommendation

**THAT: the polling districts, polling places and polling stations scheme as set out in Appendix B to the report be adopted.**

## Alternative Options

- 1 Council can, if it wishes approve alternative options for polling places, polling districts and polling stations, but in doing so it would need to comply with statutory guidance and would also need to be supported by demonstrable evidence

## Reasons for Recommendations

- 2 The council is required to conduct a review of polling places, polling districts and polling stations following a review by the Local Government Boundary Commission for England. The recommendations are the result of this review

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Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

## Key Considerations

3. The Representation of the People Act 1983 makes every relevant local authority in the UK responsible for dividing its area into polling districts for UK parliamentary elections and for keeping the polling districts under review. Following the introduction of new warding arrangements in Herefordshire, it has now become necessary to undertake such a review.

### Conduct of the Review

4. Schedule A1 to the Representation of the People Act 1983 sets out the steps the council must follow in undertaking any review. The review took place between 3 February 2014 and 25 April 2014. Details of those consulted are attached as appendix A to this report. The council was required to seek representations from such persons it thought had particular expertise in relation to:
  - Access to premises or
  - Facilities for persons who have different forms of disability.
5. Such persons must have been given the opportunity to make representations and to comment on the proposals being put forward. Disability awareness groups were therefore, invited to take part in this review. In addition, any elector could make proposals to the council.

### The Role of the Returning officer

6. The council was required to consult the acting returning officer for the Parliamentary constituencies within the area, who was required to make representations to the council, which must include information as to the location of polling stations (both existing and proposed) within polling places (both existing and proposed). Within 30 calendar days of their receipt the council was required to publish these representations.

### Guidelines

7. The following statutory considerations have been taken into account when drawing up the proposals:
  - The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
  - The council must seek to ensure that so far as reasonable and practicable every polling place is accessible to electors who are disabled.
  - Every parish shall be a separate polling district.
  - Ideally the polling place should be in its own polling district.

### Timetable for the review

Notice of start of review:	29 January 2014
Publication of returning officer's proposals:	3 February 2014
End of consultation period:	25 April 2014
Proposals are to be implemented as from:	7 May 2015

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Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733



### **Completion of the review**

8. On completion of the review the council is required to give reasons for its decisions in respect of the designation of both polling districts and polling places and must publish:
- All correspondence sent to the returning officer in connection with the review and all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
  - All representations made by any person in connection with the review.
  - The minutes of any meetings held by the authority where details of the review have been considered.
  - Details of the actual designations of polling districts and polling places agreed as a result of the review.
  - Details of where the results of the review have been published.

### **Revised Polling Districts and Polling Places**

9. The table set out at Appendix B provides full details of the designated polling districts and polling places for each new ward of the council following the publication of The Herefordshire (Electoral Changes) Order 2014. In all cases, accessibility issues were considered and informed by reports from inspections of existing buildings and proposed buildings.
10. As the number of wards has increased from 40 to 53 single member wards, all polling districts have had to be allocated new polling district codes. Where the only change to polling district is the allocation of a new polling district code, these polling districts have not been included in the table below.
11. The following changes are proposed:

<b>New ward name (as of 1 December 2014)</b>	<b>Polling district name</b>	<b>Polling district and register code</b>	<b>Polling place</b>	<b>Polling station</b>
<u>Aylestone Hill</u>	Hereford (Aylestone Hill)	AY01S	Hereford	Hereford 6 <sup>th</sup> Form, Folly Lane, Hereford
	Hereford (Aylestone Hill)	AY02S	Hereford	Hereford 6 <sup>th</sup> Form, Folly Lane, Hereford
	Hereford (Aylestone Hill)	AY03S	Hereford	Broadlands Primary School
<u>Belmont Rural</u>	Belmont Rural	BE02S	Belmont Rural	Northolme C. Centre 2, Northolme Road, Hereford
<u>Birch</u>	Harewood	BH03S	Harewood / Much Birch	Much Birch Community Centre
	Llandinabo	BH05S	Llandinabo / Much Birch	Much Birch Community Centre
	Llanwarne	BH06S	Llanwarne / Much Birch	Much Birch Community Centre
	Pencoyd	BH09S	Pencoyd / St Weonards	St Weonards Village Hall
	Tretire with Michaelchurch	BH11S	Tretire with Michaelchurch / St Weonards	St Weonards Village Hall
<u>Bishops Frome &amp; Cradley</u>	Avenbury	BM02N	Avenbury / Bishops Frome	Bishops Frome Village Hall
<u>Bobblestock</u>	Hereford (Bobblestock)	BS01S	Hereford	Westfields Hall (Main Hall), Highmore Street, Hereford
	Hereford (Bobblestock)	BS02S	Hereford	Westfields Hall (Meeting Room), Highmore Street, Hereford

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Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

<u>Bromyard Bringsty</u>	Bromyard (East)	BT02N	Bromyard	The Bromyard Centre 1, Cruxwell Street, Bromyard
	Bromyard (East)	BT03N	Bromyard	The Bromyard Centre 1, Cruxwell Street, Bromyard
	Edvin Loach & Saltmarshe	BT04N	Edvin Loach & Saltmarshe	Saltmarshe Village Hall
	Tedstone Delamere	BT07N	Tedstone Delamere / Saltmarshe	Saltmarshe Village Hall
	Tedstone Wafre	BT08N	Tedstone Wafre / Saltmarshe	Saltmarshe Village Hall
<u>Bromyard West</u>	Bromyard (West)	BW01N	Bromyard	Bromyard Methodist Church, 20 New Rd, Bromyard
	Bromyard (West)	BW02N	Bromyard	The Bromyard Centre 2, Cruxwell Street, Bromyard
<u>Central</u>	Hereford (Central)	CE01S	Hereford	St Johns Methodist Church, St Owen Street, Hereford
	Hereford (Central)	CE02S	Hereford	Brierley Court, Turner Street Hereford
	Hereford (Central)	CE03S	Hereford	Hereford City Platoon Building, Harold Street, Hereford
<u>College</u>	Hereford (College)	CL01S	Hereford	Bryngwyn Court, Bulmer Avenue, Hereford
	Hereford (College)	CL02S	Hereford	RNCB Gardner Hall, Venns Lane, Hereford
<u>Dinedor Hill</u>	Hentland	DH04S	Hentland / Sellack (Llangarron Ward)	Pengethley Manor Hotel, Pengethley

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

				Park
<u>Dinedor Hill</u>	Lower Bullingham (Withy Brook)	DH08S	Lower Bullingham (Withy Brook)	Full House, Unit 1 Holme Lacy Industrial Estate Hereford HR2 6DR
<u>Eign Hill</u>	Hereford (Eign Hill)	EH01S	Hereford	The Rose Garden 1, Ledbury Road, Hereford
	Hereford (Eign Hill)	EH02S	Hereford	The Rose Garden 2, Ledbury Road, Hereford
	Hereford (Eign Hill)	EH03S	Hereford	Tupsley Scout & Guide Hut, Wellington Place, Hereford
<u>Golden Valley South</u>	Kentchurch	GS06S	Kentchurch / Ewyas Harold	Ewyas Harold Memorial Hall
<u>Greyfriars</u>	Hereford (Greyfriars)	GY01S	Hereford	Hereford Railway Club 1, Barton Road, Hereford
	Hereford (Greyfriars)	GY02S	Hereford	Hereford Railway Club 2, Barton Road, Hereford
<u>Hinton &amp; Hunderton</u>	Hereford (Hinton & Hunderton)	HN01S	Hereford	Scout Hut, Blackmarston Road, Hereford
	Hereford (Hinton & Hunderton)	HN02S	Hereford	St Martins Bowling Club, r/o ASDA, Belmont Road, Hereford, HR2 7JE
	Hereford (Hinton & Hunderton)	HN03S	Hereford	Hinton Community Centre, Ross Road, Hereford
<u>Holmer</u>	Hereford (Victoria Park)	HO02S	Hereford	The Point4 Complex, Venns Lane, Hereford
	Hereford	HO03S	Hereford	Holmer Church Parish

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

	(Racecourse)			Centre 2, Holmer
<u>Kings Acre</u>	Hereford (Kings Acre)	KG01S	Hereford	Whitecross High School 1, Three Elms Road, Hereford
	Hereford (Kings Acre)	KG02S	Hereford	Whitecross High School 2, Three Elms Road, Hereford
<u>Kington</u>	Huntington	KT01N	Huntington / Kingswood	Kingswood Village Hall
	Kington Rural	KT03N	Kington	Markwick Close Community Hall, Kington
	Kington Rural	KT04N	Kingswood	Kingswood Village Hall
<u>Ledbury North</u>	Ledbury (North)	LEN01N	Ledbury	Ledbury Community Centre1
	Ledbury (North)	LEN02N	Ledbury	Ledbury Community Centre1
<u>Ledbury South</u>	Donnington	LES01N	Donnington / Ledbury	St Katherine's Hall, Ledbury
	Ledbury (South)	LES03N	Ledbury	St Katherine's Hall, Ledbury
	Ledbury (South)	LES04N	Ledbury	St Katherine's Hall, Ledbury
<u>Ledbury West</u>	Ledbury (West)	LEW01N	Ledbury	Ledbury Primary School 1. Long Acres. Ledbury
	Ledbury (West)	LEW02N	Ledbury	Ledbury Primary School 2. Long Acres. Ledbury
	Ledbury (West)	LEW03N	Ledbury	Ledbury Primary School 2. Long Acres. Ledbury
<u>Leominster East</u>	Leominster (East)	LOE01N	Leominster	Green Lane Methodist Church Hall,

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

				Leominster
	Leominster (East)	LOE02N	Leominster	Royal British Legion Hall 2, Leominster
<u>Leominster South</u>	Leominster (South)	LOS02N	Leominster	Royal British Legion Hall 1, Leominster
<u>Leominster West</u>	Leominster (West)	LOW01N	Leominster	Barons X Community Centre, Leominster
<u>Red Hill</u>	Hereford (Red Hill)	RH01S	Hereford	Pentwyn Court, Pentwyn Avenue, Hereford
	Hereford (Red Hill)	RH02S	Hereford	Redhill Golden Jubilee Hall, Green Croft, Hereford
<u>Ross-on-Wye East</u>	Ross (East)	ROE01S	Ross-on-Wye	Ross-on-Wye Y Zone Youth Centre, Hill Street, Ross-on-Wye
	Ross (East)	ROE02S	Ross-on-Wye	Tudorville & District Community Centre, Walford Road, Ross-on-Wye
	Ross (East)	ROE03S	Ross-on-Wye	Larruperz Community Centre 1, Grammar School Close, Ross-on-Wye
<u>Ross-on-Wye North</u>	Ross (North)	RON01S	Ross-on-Wye	Larruperz Community Centre 2, Grammar School Close, Ross-on-Wye
	Ross (North)	RON02S	Ross-on-Wye	Quaker Meeting House, Brampton Street, Ross-on-Wye
	Ross (North)	RON03S	Ross-on-Wye	Quaker Meeting House, Brampton Street, Ross-on-Wye
<u>Ross-on-Wye West</u>	Ross (West)	ROW01S	Ross-on-Wye	Ross-on-Wye Bowling Club 1, Old Maids

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

				Walk, Ross-on-Wye
	Ross (West)	ROW02S	Ross-on-Wye	Ross-on-Wye Bowling Club 2, Old Maids Walk, Ross-on-Wye
<u>Saxon Gate</u>	Hereford (Saxon Gate)	SG01S	Ross-on-Wye	Putson (Saxon Hall) Community Centre 1, Hoarwithy Road, Hereford
	Hereford (Saxon Gate)	SG02S	Ross-on-Wye	Putson (Saxon Hall) Community Centre 2, Hoarwithy Road, Hereford
<u>Stoney Street</u>	Bishopstone	SS01N	Bishopstone / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers
	Bridge Sollers	SS02N	Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers
	Byford	SS03N	Byford / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers
	Kenchester	SS06N	Kenchester / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers
	Mansel Gamage	SS08N	Mansel Gamage/ Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers
<u>Three Crosses</u>	Castle Frome	TC04N	Castle Frome / Ashperton	Ashperton Village Hall
	Weston Beggard	TC17N	Weston Beggard / Yarkhill	Yarkhill Village Hall
<u>Tupsley</u>	Hereford (Tupsley)	TU01S	Hereford	Hampton Park United Reform Church 1, Hampton Dene Road,

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

				Hereford
	Hereford (Tupsley)	TU02S	Hereford	Hampton Park United Reform Church 2, Hampton Dene Road, Hereford
<u>Whitecross</u>	Hereford (Whitecross)	WH01S	Hereford	Hereford Musical Theatre Hall, Whitecross Road, Hereford
	Hereford (Whitecross)	WH02S	Hereford	Westfaling Street Scout Hut, Westfaling Street, Hereford
<u>Widemarsh</u>	Hereford (Widemarsh)	WI01S	Hereford	The Courtyard, Edgar Street, Hereford
	Hereford (Widemarsh)	WI02S	Hereford	The Courtyard, Edgar Street, Hereford
	Hereford (Widemarsh)	WI03S	Hereford	St Marys Church Hall, Grandstand Road, Hereford

## Community Impact

12. Legislation stipulates that ideally there should be no more than 2,500 electors to each polling place.
13. The council is also required by law to ensure that all electors have access to such reasonable facilities for voting as practicable in the circumstances. The review has aimed to ensure that this requirement has been complied with as far as possible.
14. The proposals have been mindful of further development in the county as identified in the Local Plan – Core Strategy.

## Equality and Human Rights

15. It is a statutory requirement that as far as it is reasonable and practicable every polling place is accessible to electors who are disabled. This review has taken this requirement into account. However, due to the ages of some of the buildings used and their location, disabled access is not always as effective as the council would normally require and therefore special measures have had to be put in place when the building is used as a polling place, an example of which is the provision of wheel chairs and mobile ramps.

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Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733



## **Financial Implications**

16. There are no direct financial implications arising from the review. The costs of hiring and equipping venues for voting are met from within existing budget provision. Costs incurred in relation to European, General, Parish or Police and Crime Commissioner elections are recouped from the relevant funding body; where elections are running concurrently the costs are apportioned as appropriate.

## **Legal Implications**

17. As set out in the body of this report.

## **Risk Management**

18. Failure to agree a polling scheme would mean that the council would be in breach of its statutory duty and electors would be disadvantaged. The Electoral Commission could intervene and direct the council to alter any polling arrangements that arise from the review and the commission could make these alterations itself if the council failed to respond.

## **Consultees**

See Appendix A

## **Appendices**

Appendix A – List of consultees

Appendix B – Final recommendations

Appendix C – Representations / summary to review

## **Background Papers**

None identified.

## Appendix A

The following people and organisations were consulted for this review.

MPs  
MEPs  
Local Political Party Agents  
Ward Councillors  
Parish councils (via clerks)  
Herefordshire Association of Local Councils (HALC)  
Disability United  
Herefordshire Carers  
Herefordshire Vision Links  
Hereford Deaf Direct  
HVOSS  
Herefordshire Disability Action  
Herefordshire Headway  
Herefordshire Citizens Advice  
Libraries and info shops  
Polish Saturday School  
Royal National College (for the Blind)  
Mencap  
Services for Independent Living

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Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

## Appendix B

### The final recommendations for Polling Districts, Polling Places and Polling Stations

New ward name (as of 1 December 2014)	Polling district name	Polling district and register code	Polling place	Polling station	Electorate (based on 2013 estimate)(polling station totals <b>in bold</b> )	Comments
<u>Arrow</u>	Eardisland	AR01N	Eardisland	Eardisland Village Hall	<b>405</b>	No change
	Knill	AR02N	Knill / Titley	Titley Village Hall	23	No change
	Lyonshall	AR03N	Lyonshall	Lyonshall Village Hall	<b>591</b>	No change
	Pembridge	AR04N	Pembridge	Pembridge Village Hall	<b>795</b>	No change
	Rodd, Nash & Little Brampton	AR05N	Rodd, Nash & Little Brampton / Titley	Titley Village Hall	54	No change
	Shobdon	AR06N	Shobdon	Shobdon Community Centre	<b>712</b>	No change

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Jano Rochefort, electoral services assistant on Tel (01432) 260733

	Staunton-on-Arrow	AR07N	Staunton-on-Arrow / Titley	Titley Village Hall	172	No change
	Titley	AR08N	Titley	Titley Village Hall	142 / <b>391</b>	No change
<u>Aylestone Hill</u>	Hereford (Aylestone Hill)	AY01S	Hereford	Hereford 6 <sup>th</sup> Form, Folly Lane, Hereford	422	New polling district and polling station to ensure electorate does not exceed 2500 at polling station.
	Hereford (Aylestone Hill)	AY02S	Hereford	Hereford 6 <sup>th</sup> Form, Folly Lane, Hereford	656 / <b>1078</b>	New polling district and polling station to ensure electorate does not exceed 2500 at polling station.
	Hereford (Aylestone Hill)	AY03S	Hereford	Broadlands Primary School	<b>1823</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Backbury</u>	Dormington	BA01N	Dormington / Tarrington	Tarrington – Lady Emily C Centre	142	No change
	Fownhope	BA02N	Fownhope	Fownhope Village Hall	<b>819</b>	No change
	Hampton Bishop	BA03N	Hampton Bishop	Hampton Bishop Village Hall	<b>418</b>	No change
	Mordiford	BA04N	Mordiford	Mordiford Primary School	<b>427</b>	No change
	Stoke Edith	BA05N	Stoke Edith / Tarrington	Tarrington – Lady Emily C Centre	65	No change

Further information on the subject of this report is available from  
Jano Rochefort, electoral services assistant on Tel (01432) 260733

	Tarrington	BA06N	Tarrington	Tarrington – Lady Emily C Centre	434 / <b>641</b>	No change
<u>Belmont Rural</u>	Belmont Rural	BE01S	Belmont Rural	Northolme Community Centre 1, Northolme Road, Hereford	<b>1990</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Belmont Rural	BE02S	Belmont Rural	Northolme C. Centre 2, Northolme Road, Hereford	<b>796</b>	New polling district and 2 <sup>nd</sup> polling station at venue to ensure electorate does not exceed 2500 at polling station
<u>Birch</u>	Aconbury	BH01S	Aconbury / Little Birch	Little Birch Village Hall	55	No change
	Garway	BH02S	Garway	Garway Village Hall	<b>312</b>	No change
	Harewood	BH03S	Harewood / Much Birch	Much Birch Community Centre	31	Change of polling station as previous venue is no longer available
	Little Birch	BH04S	Little Birch	Little Birch Village Hall	191 / <b>246</b>	No change
	Llandinabo	BH05S	Llandinabo / Much Birch	Much Birch Community Centre	54	Change of polling station as previous venue is no longer suitable. Poor disabled access
	Llanwarne	BH06S	Llanwarne / Much Birch	Much Birch Community Centre	233	Change of polling station as previous venue is no longer

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						suitable. Poor disabled access
	Much Birch	BH07S	Much Birch	Much Birch Community Centre	737 / <b>1055</b>	No change
	Orcop	BH08S	Orcop	Orcop Parish Hall	<b>347</b>	No change
	Pencoyd	BH09S	Pencoyd / St Weonards	St Weonards Village Hall	115	Change of polling station as previous venue is no longer available
	St Weonards	BH10S	St Weonards	St Weonards Village Hall	303 / <b>493</b>	No change
	Tretire with Michaelchurch	BH11S	Tretire with Michaelchurch / St Weonards	St Weonards Village Hall	75	Change of polling station as previous venue is no longer available
<u>Bircher</u>	Croft & Yarpole	BI01N	Croft & Yarpole	Yarpole Parish Hall	462 / <b>580</b>	No change
	Eye, Moreton & Ashton	BI02N	Eye, Moreton & Ashton	Eye (Cawley Hall)	<b>148</b>	No change
	Eyton	BI03N	Eyton / Luston	Luston Methodist Church	106	No change
	Kingsland	BI04N	Kingsland	Kingsland Coronation Hall	849	No change
	Lucton	BI05N	Lucton /	Yarpole Parish Hall	118	No change

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			Yarpole			
	Luston	BI06N	Luston	Luston Methodist Church	455 / <b>561</b>	No change
	Orleton	BI07N	Orleton	Orleton Village Hall	691	No change
	Richards Castle	BI08N	Richards Castle	Richards Castle Village Hall	222	No change
<u>Bishops Frome &amp; Cradley</u>	Acton Beauchamp	BM01N	Acton Beauchamp / Stanford Bishop	Stanford Bishop Village Hall	144	No change
	Avenbury	BM02N	Avenbury / Bishops Frome	Bishops Frome Village Hall	188	Change of polling station due to change of ward. Previous venue is now in a different ward.
	Bishops Frome	BM03N	Bishops Frome	Bishops Frome Village Hall	481	No change
	Bishops Frome	BM04N	Bishops Frome	Bishops Frome Village Hall	162 / <b>831</b>	No change
	Cradley	BM05N	Cradley	Cradley Village Hall	<b>1114</b>	No change
	Cradley	BM06N	Cradley	Storrige Village Hall	<b>276</b>	No change
	Evesbatch	BM07N	Evesbatch /	Stanford Bishop	53	No change

Further information on the subject of this report is available from  
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			Stanford Bishop	Village Hall		
	Stanford Bishop	BM08N	Stanford Bishop	Stanford Bishop Village Hall	102 / <b>299</b>	No change
<u>Bobblestock</u>	Hereford (Bobblestock)	BS01S	Hereford	Westfields Hall (Main Hall), Highmore Street, Hereford	<b>2063</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Bobblestock)	BS02S	Hereford	Westfields Hall (Meeting Room), Highmore Street, Hereford	<b>657</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Bromyard</u> <u>Bringsty</u>	Brockhampton	BT01N	Brockhampton	Brockhampton Primary School	67	No change
	Bromyard (East)	BT02N	Bromyard	The Bromyard Centre 1, Cruxwell Street, Bromyard	541	New polling district to ensure electorate does not exceed 2500 at polling station
	Bromyard (East)	BT03N	Bromyard	The Bromyard Centre 1, Cruxwell Street, Bromyard	463 / <b>1004</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Edvin Loach & Saltmarshe	BT04N	Edvin Loach & Saltmarshe	Saltmarshe Village Hall	39	New polling station to better serve the local electorate
	Linton	BT05N	Linton /	Brockhampton	315	No change

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			Brockhampton	Primary School		
	Norton	BT06N	Norton / Brockhampton	Brockhampton Primary School	220 / <b>602</b>	No change
	Tedstone Delamere	BT07N	Tedstone Delamere / Saltmarshe	Saltmarshe Village Hall	131	New polling station to better serve the local electorate
	Tedstone Wafre	BT08N	Tedstone Wafre / Saltmarshe	Saltmarshe Village Hall	52 / <b>222</b>	New polling station to better serve the local electorate
	Upper Sapey	BT09N	Upper Sapey	Upper Sapey Village Hall	288	No change
	Whitbourne	BT10N	Whitbourne	Whitbourne Village Hall	<b>602</b>	No change
	Wolferlow	BT11N	Wolferlow / Upper Sapey	Upper Sapey Village Hall	13	No change
	Wolferlow	BT12N	Wolferlow / Upper Sapey	Upper Sapey Village Hall	65 / <b>366</b>	No change
<u>Bromyard West</u>	Bromyard (West)	BW01N	Bromyard	Bromyard Methodist Church, 20 New Rd, Bromyard	<b>1133</b>	New polling district and polling station to ensure electorate does not exceed 2500 at polling station
	Bromyard	BW02N	Bromyard	The Bromyard Centre 2, Cruxwell	<b>1285</b>	New polling district to ensure electorate does not exceed 2500 at

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	(West)			Street, Bromyard		polling station
<u>Castle</u>	Almeley	CA01N	Almeley	Almeley Village Hall	<b>475</b>	No change
	Brilley	CA02N	Brilley	Brilley & Michaelchurch Village Hall	<b>206</b>	No change
	Brobury with Monnington-on-Wye	CA03N	Brobury with Monnington-on-Wye / Staunton-on-Wye	Staunton-on-Wye Village Hall	60	No change
	Eardisley	CA04N	Eardisley	Eardisley Village Hall	<b>650</b>	No change
	Kinnersley	CA05N	Kinnersley	Kinnersley Castle	156 / <b>225</b>	No change
	Letton	CA06N	Letton / Kinnersley	Kinnersley Castle	69	No change
	Norton Canon	CA07N	Norton Canon	Norton Canon Village Hall	189 / <b>227</b>	No change
	Sarnesfield	CA08N	Sarnesfield / Norton Canon	Norton Canon Village Hall	38	No change
	Staunton-on-Wye	CA09N	Staunton-on-Wye	Staunton-on-Wye Village Hall	314 / <b>374</b>	No change

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	Whitney-on-Wye	CA10N	Whitney-on-Wye	Whitney-on-Wye Village Hall	99 / <b>277</b>	No change
	Willersley & Winforton	CA11N	Willersley & Winforton / Whitney-on-Wye	Whitney-on-Wye Village Hall	178	No change
<u>Central</u>	Hereford (Central)	CE01S	Hereford	St Johns Methodist Church, St Owen Street, Hereford	<b>908</b>	New polling district and polling station to ensure electorate does not exceed 2500 at polling station
	Hereford (Central)	CE02S	Hereford	Brierley Court, Turner Street Hereford	<b>634</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Central)	CE03S	Hereford	Hereford City Platoon Building, Harold Street, Hereford	<b>685</b>	New polling district and polling station to ensure electorate does not exceed 2500 at polling station Previous venue is no longer available.
<u>College</u>	Hereford (College)	CL01S	Hereford	Bryngwyn Court, Bulmer Avenue, Hereford	<b>1486</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (College)	CL02S	Hereford	RNCB Gardner Hall, Venns Lane, Hereford	<b>1391</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Credenhill</u>	Breinton	CR01N	Breinton	Breinton Village	<b>731</b>	No change

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				Hall		
	Credenhill	CR02N	Credenhill	Credenhill Community Hall	<b>1428</b>	No change
	Stretton Sugwas	CR03N	Stretton Sugwas	Stretton Sugwas Village Hall	<b>338</b>	No change
<u>Dinedor Hill</u>	Ballingham	DH01S	Ballingham / Little Dewchurch	Little Dewchurch Village Hall	113	No change
	Bolstone	DH02S	Bolstone / Little Dewchurch	Little Dewchurch Village Hall	35	No change
	Dinedor	DH03S	Dinedor	Dinedor Village Hall	208 / <b>416</b>	No change
	Hentland	DH04S	Hentland / Sellack (Llangarron Ward)	Pengethley Manor Hotel, Pengethley Park	<b>357</b>	Change of polling station as previous venue is no longer available
	Holme Lacy	DH05S	Holme Lacy	Holme Lacy Village Hall	<b>368</b>	No change
	Little Dewchurch	DH06S	Little Dewchurch	Little Dewchurch Village Hall	334 / <b>482</b>	No change
	Lower Bullingham	DH07S	Lower Bullingham	Dinedor Village	208	No change

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	(Lower Bullingham)		(Lower Bullingham) / Dinedor	Hall		
	Lower Bullingham (Withy Brook)	DH08S	Lower Bullingham (Withy Brook)	Full House, Unit 1 Holme Lacy Industrial Estate Hereford HR2 6DR	1155	New ward and new polling station to better serve the local electorate
<u>Eign Hill</u>	Hereford (Eign Hill)	EH01S	Hereford	The Rose Garden 1, Ledbury Road, Hereford	<b>601</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Eign Hill)	EH02S	Hereford	The Rose Garden 2, Ledbury Road, Hereford	<b>1048</b>	New polling district to ensure electorate does not exceed 2500 and 2 <sup>nd</sup> polling station added at venue
	Hereford (Eign Hill)	EH03S	Hereford	Tupsley Scout & Guide Hut, Wellington Place, Hereford	<b>1091</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Golden Valley North</u>	Blakemere	GN01S	Blakemere / Preston-on-Wye	Preston-on-Wye Village Hall	66	No change
	Bredwardine	GN02S	Bredwardine / Moccas	Moccas Village Hall	166	No change
	Clifford	GN03S	Clifford	Clifford Community	<b>419</b>	No change

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				Centre		
	Cusop	GN04S	Cusop	Cusop Village Hall	<b>278</b>	No change
	Dorstone	GN05S	Dorstone	Dorstone Village Hall	<b>307</b>	No change
	Moccas	GN06S	Moccas	Moccas Village Hall	95 / <b>261</b>	No change
	Peterchurch	GN07S	Peterchurch	Golden Valley Community Centre, Peterchurch	<b>839</b>	No change
	Preston-on-Wye	GN08S	Preston-on-Wye	Preston-on-Wye Village Hall	178 / <b>302</b>	No change
	Tyberton	GN09S	Tyberton / Preston-on-Wye	Preston-on-Wye Village Hall	58	No change
<u>Golden Valley South</u>	Abbeydore	GS01S	Abbeydore	Abbeydore Village Hall	223 / <b>275</b>	No change
	Bacton	GS02S	Bacton / Abbeydore	Abbeydore Village Hall	52	No change
	Craswall	GS03S	Craswall / Michaelchurch Escley	Escley & District Sports Pavillion	125	No change
	Dulas	GS04S	Dulas / Ewyas	Ewyas Harold	56	No change

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			Harold	Memorial Hall		
	Ewyas Harold	GS05S	Ewyas Harold	Ewyas Harold Memorial Hall	730 / <b>1031</b>	No change
	Kentchurch	GS06S	Kentchurch / Ewyas Harold	Ewyas Harold Memorial Hall	216	Moved to new ward as per boundary changes but no change to polling station required.
	Llancillo	GS07S	Llancillo / Ewyas Harold	Ewyas Harold Memorial Hall	29	No change
	Llanveyhoe	GS08S	Llanveyhoe / Longtown	Longtown Village Hall	82	No change
	Longtown	GS09S	Longtown	Longtown Village Hall	429 / <b>582</b>	No change
	Michaelchurch Escley	GS10S	Michaelchurch Escley	Escley & District Sports Pavillion	161 / <b>460</b>	No change
	Newton	GS11S	Newtown / Michaelchurch Escley	Escley & District Sports Pavillion	104	No change
	Rowlstone	GS12S	Rowlstone / Ewyas Harold	Ewyas Harold Memorial Hall	70	No change
	St Margaret's	GS13S	St Margaret's / Vowchurch	Vowchurch & Turnastone Memorial Hall	133	No change

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	Turnastone	GS14S	Turnastone / Vowchurch	Vowchurch & Turnastone Memorial Hall	18	No change
	Vowchurch	GS15S	Vowchurch	Vowchurch & Turnastone Memorial Hall	127 / <b>349</b>	No change
	Walterstone	GS16S	Walterstone / Longtown	Longtown Village Hall	71	No change
<u>Greyfriars</u>	Hereford (Greyfriars)	GY01S	Hereford	Hereford Railway Club 1, Barton Road, Hereford	<b>1374</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Greyfriars)	GY02S	Hereford	Hereford Railway Club 2, Barton Road, Hereford	<b>1500</b>	New polling district to ensure electorate does not exceed 2500 and 2 <sup>nd</sup> polling station added at venue.
<u>Hagley</u>	Bartestree	HG01N	Bartestree	Bartestree Village Hall	266	No change
	Lugwardine	HG02N	Lugwardine / Bartestree	Bartestree Village Hall	1339 / <b>1605</b>	No change
	Preston Wynne	HG03N	Preston Wynne / Withington	Withington Village Hall	132	No change
	Westhide	HG04N	Westhide /	Withington Village	62	No change

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			Withington	Hall		
	Withington	HG05N	Withington	Withington Village Hall	1103 / <b>1165</b>	No change
<u>Hampton</u>	Bodenham	HM01N	Bodenham	Bodenham Parish Hall	862	No change
	Bredenbury	HM02N	Bredenbury	Bredenbury Village Hall	112 / <b>280</b>	No change
	Collington	HM03N	Collington / Edwyn Ralph	Edwyn Ralph Village Hall	52	No change
	Docklow & Hampton Wafre	HM04N	Docklow & Hampton Wafre / Pudleston	Pudleston Village Hall	115	No change
	Edwyn Ralph	HM05N	Edwyn Ralph	Edwyn Ralph Village Hall	185 / <b>343</b>	No change
	Ford & Stoke Prior	HM06N	Ford & Stoke Prior	Stoke Prior Village Hall	<b>276</b>	No change
	Grendon Bishop	HM07N	Grendon Bishop / Bredenbury	Bredenbury Village Hall	81	No change
	Hampton Charles	HM08N	Hampton Charles /	Pudleston Village Hall	32	No change

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			Pudleston			
	Hatfield & Newhampton	HM09N	Hatfield & Newhampton / Pudleston	Pudleston Village Hall	128	No change
	Humber	HM10N	Humber	Humber Parish Hall	<b>244</b>	No change
	Little Cowarne	HM11N	Little Cowarne	Pencombe & Little Cowarne Village Hall	96	No change
	Pencombe with Grendon Warren	HM12N	Pencombe with Grendon Warren	Pencombe & Little Cowarne Village Hall	265 / <b>361</b>	No change
	Pudleston	HM13N	Pudleston	Pudleston Village Hall	141 / <b>416</b>	No change
	Thornbury	HM14N	Thornbury / Edwyn Ralph	Edwyn Ralph Village Hall	106	No change
	Wacton	HM15N	Wacton / Bredenbury	Bredenbury Village Hall	87	No change
	<u>Hinton &amp; Hunderton</u>	HN01S	Hereford	Scout Hut, Blackmarston Road, Hereford	<b>1165</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Hinton & Hunderton)	HN02S	Hereford	St Martins Bowling Club, r/o ASDA, Belmont Road,	<b>595</b>	New polling district to ensure electorate does not exceed 2500 at polling station New polling station

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	Hunderton)			Hereford, HR2 7JE		as previous venue is no longer available.
	Hereford (Hinton & Hunderton)	HN03S	Hereford	Hinton Community Centre, Ross Road, Hereford	<b>1199</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Holmer</u>	Holmer & Shelwick	HO01N	Holmer & Shelwick	Holmer Church Parish Centre 1, Holmer	<b>1265</b>	NB. This Ward is split over both constituencies.  No change
	Hereford (Victoria Park)	HO02S	Hereford	The Point4 Complex, Venns Lane, Hereford	<b>830</b>	NB. This Ward is split over both constituencies.  New polling district and new polling station to ensure electorate does not exceed 2500 at polling station
	Hereford (Racecourse)	HO03S	Hereford	Holmer Church Parish Centre 2, Holmer	<b>314</b>	Ward split over both constituencies.  New polling district to ensure electorate does not exceed 2500 and 2nd new polling station at the existing venue.
<u>Hope End</u>	Bosbury	HP01N	Bosbury	Bosbury Parish Hall	588 / <b>666</b>	No change
	Coddington	HP02N	Coddington /	Bosbury Parish	78	No change

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			Bosbury	Hall		
	Colwall	HP03N	Colwall	Upper Colwall, Wyche Free Church	<b>595</b>	No change
	Colwall	HP04N	Colwall	Colwall Village Hall	<b>1370</b>	No change
	Mathon	HP05N	Mathon	Mathon Village Hall	<b>246</b>	No change
<u>Kerne Bridge</u>	Ganarew	KB01S	Ganarew	Whitchurch & Ganarew Village Hall	95	No change
	Goodrich	KB02S	Goodrich	Goodrich Village Hall	432 / <b>449</b>	No change
	Walford	KB03S	Walford	Walford – Robert Pashley Village Hall	<b>1160</b>	No change
	Welsh Bicknor	KB04S	Welsh Bicknor / Goodrich	Goodrich Village Hall	17	No change
	Whitchurch	KB05S	Whitchurch	Whitchurch & Ganarew Village Hall	797 / <b>892</b>	No change
<u>Kings Acre</u>	Hereford (Kings Acre)	KG01S	Hereford	Whitecross High School 1, Three Elms Road,	<b>1467</b>	New polling district to ensure electorate does not exceed 2500 at polling station

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				Hereford		
	Hereford (Kings Acre)	KG02S	Hereford	Whitecross High School 2, Three Elms Road, Hereford	<b>1270</b>	New polling district and 2nd new polling station at venue to ensure electorate does not exceed 2500 at polling station
<u>Kington</u>	Huntington	KT01N	Huntington / Kingswood	Kingswood Village Hall	89	New polling station to better serve the local electorate
	Kington	KT02N	Kington	Markwick Close Community Hall, Kington	2036 / <b>2269</b>	No change
	Kington Rural	KT03N	Kington	Markwick Close Community Hall, Kington	208	New polling district to ensure electorate does not exceed 2500 at polling station
	Kington Rural	KT04N	Kingswood	Kingswood Village Hall	226 / <b>315</b>	New polling district and new polling station to better serve the local electorate
	Lower Harpton	KT05N	Lower Harpton / Kington	Markwick Close Community Hall, Kington	25	No change
<u>Ledbury North</u>	Ledbury (North)	LEN01N	Ledbury	Ledbury Community Centre1	1272 / <b>2149</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Ledbury	LEN02N	Ledbury	Ledbury Community	877	New polling district to ensure electorate does not exceed 2500 at

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	(North)			Centre1		polling station
	Wellington Heath	LEN03N	Wellington Heath	Wellington Heath Memorial Hall	<b>373</b>	No change
<u>Ledbury South</u>	Donnington	LES01N	Donnington / Ledbury	St Katherine's Hall, Ledbury	55	Moved to new ward as per boundary changes so change to polling station required. Old polling station is in a different ward.
	Eastnor	LES02N	Eastnor	Eastnor Castle Community Room, Eastnor	<b>201</b>	No change
	Ledbury (South)	LES03N	Ledbury	St Katherine's Hall, Ledbury	1187 / <b>2348</b>	New polling district and new polling station
	Ledbury (South)	LES04N	Ledbury	St Katherine's Hall, Ledbury	1106	New polling district and new polling station
<u>Ledbury West</u>	Ledbury (West)	LEW01N	Ledbury	Ledbury Primary School 1. Long Acres. Ledbury	<b>1315</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Ledbury (West)	LEW02N	Ledbury	Ledbury Primary School 2. Long Acres. Ledbury	101 / <b>1410</b>	New polling district and 2 <sup>nd</sup> new polling station at venue.
	Ledbury (West)	LEW03N	Ledbury	Ledbury Primary School 2. Long Acres. Ledbury	1309	New polling district and 2 <sup>nd</sup> new polling station at venue.

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<u>Leominster East</u>	Leominster (East)	LOE01N	Leominster	Green Lane Methodist Church Hall, Leominster	727	New polling district to ensure electorate does not exceed 2500 at polling station
	Leominster (East)	LOE02N	Leominster	Royal British Legion Hall 2, Leominster	2192	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Leominster North &amp; Rural</u>	Brimfield	LON01N	Brimfield	Brimfield Village Hall	<b>640</b>	No change
	Kimbolton	LON02N	Kimbolton	Kimbolton Village Hall	<b>400</b>	No change
	Leominster (North)	LON03N	Leominster	Bridge Street Sports Centre, Leominster	<b>1239</b>	No change
	Leysters	LON04N	Leysters	Leysters & Middleton-on-the-Hill Village Hall	113 / <b>306</b>	No change
	Little Hereford	LON05N	Little Hereford	Little Hereford Village Hall	<b>351</b>	No change
	Middleton-on-the-Hill	LON06N	Middleton-on-the-Hill	Leysters & Middleton-on-the-Hill Village Hall	193	No change
<u>Leominster South</u>	Leominster (South)	LOS01N	Leominster	Royal British Legion Hall 1,	1271 / <b>2284</b>	No change

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				Leominster		
	Leominster (South)	LOS02N	Leominster	Royal British Legion Hall 1, Leominster	1031	New polling district to ensure electorate does not exceed 2500 at polling station
	Leominster (South)	LOS03N	Ivington	Ivington Village Hall	<b>220</b>	No change
	Monkland & Stretford	LOS04N	Monkland & Stretford	Monkland Village Hall	<b>154</b>	No change
<u>Leominster West</u>	Leominster (West)	LOW01N	Leominster	Barons X Community Centre, Leominster	435	New polling district to ensure electorate does not exceed 2500 at polling station
	Leominster (West)	LOW02N	Leominster	Barons X Community Centre, Leominster	1880 / <b>2315</b>	No change
<u>Llangarron</u>	Bridstow	LR01S	Bridstow	Bridstow Village Hall	<b>727</b>	No change
	Llangarron	LR02S	Llangarron	Llangarron Village Hall	451 / <b>740</b>	No change
	Llangarron	LR03S	Llangarron / Llangrove	Llangrove Village Hall	<b>405</b>	No change
	Llanrothal	LR04S	Llanrothal	Welsh Newton & Llanrothal Village	85 / <b>261</b>	No change

				Hall		
	Marstow	LR05S	Marstow / Llangarron	Llangarron Village Hall	289	No change
	Peterstow	LR06S	Peterstow	St Peter's Hall, Peterstow	<b>343</b>	No change
	Sellack	LR07S	Sellack	Sellack Village Hall	<b>214</b>	No change
	Welsh Newton	LR08S	Welsh Newton	Welsh Newton & Llanrothal Village Hall	176	No change
<u>Mortimer</u>	Adforton	MT01N	Adforton / Lingen	Lingen Village Hall	111	No change
	Aymestrey	MT02N	Aymestrey	Aymestrey Village Hall	<b>298</b>	No change
	Brampton Bryan	MT03N	Brampton Bryan / Lingen	Lingen Village Hall	118	No change
	Buckton & Coxall	MT04N	Buckton & Coxall / Lingen	Lingen Village Hall	61	No change
	Burrington	MT05N	Burrington / Leintwardine	Leintwardine Village Hall	60	No change

	Byton	MT06N	Byton / Kinsham	Kinsham Village Hall	72	No change
	Combe	MT07N	Combe / Kinsham	Kinsham Village Hall	40	No change
	Downton	MT08N	Downton / Leintwardine	Leintwardine Village Hall	38	No change
	Elton	MT09N	Elton / Wigmore	Wigmore Village Hall	51	No change
	Kinsham	MT10N	Kinsham	Kinsham Village Hall	58 / <b>275</b>	No change
	Leinthall Starkes	MT11N	Leinthall Starkes / Wigmore	Wigmore Village Hall	65	No change
	Leintwardine	MT12N	Leintwardine	Leintwardine Village Hall	717 / <b>815</b>	No change
	Lingen	MT13N	Lingen	Lingen Village Hall	143 / <b>564</b>	No change
	Pipe Aston	MT14N	Pipe Aston / Wigmore	Wigmore Village Hall	26	No change
	Stapleton	MT15N	Stapleton / Kinsham	Kinsham Village Hall	105	No change
	Walford, Letton &	MT16N	Walford, Letton &	Lingen Village Hall	84	No change

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	Newton		Newton / Lingen			
	Wigmore	MT17N	Wigmore	Wigmore Village Hall	543 / <b>685</b>	No change
	Willey	MT18N	Willey / Lingen	Lingen Village Hall	47	No change
<u>Newton Farm</u>	Hereford (Newton Farm)	NF01S	Hereford	Belmont Community Centre 1, Eastholme Avenue, Hereford	<b>1898</b>	No change
	Hereford (Newton Farm)	NF02S	Hereford	Belmont Community Centre 2, Eastholme Avenue, Hereford	<b>1074</b>	No change
<u>Old Gore</u>	Brampton Abbotts	OG01N	Brampton Abbotts	Brampton Abbotts Village Hall	254 / <b>366</b>	No change
	Brockhampton with Much Fawley	OG02N	Brockhampton with Much Fawley	Brockhampton Village Hall	178 / <b>451</b>	No change
	Foy	OG03N	Foy / Brampton Abbotts	Brampton Abbotts Village Hall	74	No change
	Foy	OG04N	Foy / Brampton	Brampton Abbotts Village Hall	38	No change

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			Abbotts			
	How Caple	OG05N	How Caple / Brockhampton	Brockhampton Village Hall	106	No change
	Kings Caple	OG06N	Kings Caple	Kings Caple Village Hall	<b>288</b>	No change
	Much Marcle	OG07N	Much Marcle	Much Marcle Village Hall	<b>548</b>	No change
	Sollers Hope	OG08N	Sollers Hope / Brockhampton	Brockhampton Village Hall	72	No change
	Upton Bishop	OG09N	Upton Bishop	Upton Bishop Memorial Hall	<b>480</b>	No change
	Woolhope	OG10N	Woolhope	Woolhope Parish Hall	<b>388</b>	No change
	Yatton	OG11N	Yatton / Brockhampton	Brockhampton Village Hall	95	No change
<u>Penyard</u>	Aston Ingham	PE01S	Aston Ingham	Aston Ingham Village Hall	<b>351</b>	No change
	Hope Mansell	PE02S	Hope Mansell	Hope Mansell Village Hall	<b>213</b>	No change
	Lea	PE03S	Lea	Lea Village Hall	<b>518</b>	No change
	Linton	PE04S	Linton	Linton Village Hall	<b>791</b>	No change

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	Weston-under-Penyard	PE05S	Weston – under-Penyard	Penyard Gardens, Weston-under-Penyard	<b>827</b>	No change
<u>Queenswood</u>	Burghill	QU01N	Burghill	Burghill Simpson Hall	<b>1244</b>	No change
	Dinmore	QU02N	Dinmore / Wellington	Wellington Community Centre	9	No change
	Hope-under-Dinmore	QU03N	Hope-under-Dinmore	Hope-under-Dinmore Village Hall	288 / <b>329</b>	No change
	Newton	QU04N	Newton / Hope-under-Dinmore	Hope-under-Dinmore Village Hall	41	No change
	Pipe & Lyde	QU05N	Pipe & Lyde / Moreton-on-Lugg	Moreton-on-Lugg Village Hall	279	No change
	Wellington	QU06N	Wellington	Wellington Community Centre	793 / <b>802</b>	No change
<u>Red Hill</u>	Hereford (Red Hill)	RH01S	Hereford	Pentwyn Court, Pentwyn Avenue, Hereford	<b>1726</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Red Hill)	RH02S	Hereford	Redhill Golden Jubilee Hall, Green	<b>1286</b>	New polling district to ensure electorate does not exceed 2500 at

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				Croft, Hereford		polling station
<u>Ross-on-Wye East</u>	Ross (East)	ROE01S	Ross-on-Wye	Ross-on-Wye Y Zone Youth Centre, Hill Street, Ross-on-Wye	<b>1298</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Ross (East)	ROE02S	Ross-on-Wye	Tudorville & District Community Centre, Walford Road, Ross-on-Wye	<b>1231</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Ross (East)	ROE03S	Ross-on-Wye	Larruperz Community Centre 1, Grammar School Close, Ross-on-Wye	<b>340</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Ross-on-Wye North</u>	Ross (North)	RON01S	Ross-on-Wye	Larruperz Community Centre 2, Grammar School Close, Ross-on-Wye	715	New polling district and 2nd new polling station at venue to ensure electorate does not exceed 2500 at polling station
	Ross (North)	RON02S	Ross-on-Wye	Quaker Meeting House, Brampton Street, Ross-on-Wye	1670 / <b>2247</b>	New polling district and new polling station as previous venue requested not to be used.
	Ross (North)	RON03S	Ross-on-Wye	Quaker Meeting House, Brampton	577	New polling district and new polling station as previous venue

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				Street, Ross-on-Wye		requested not to be used.
<u>Ross-on-Wye West</u>	Ross (West)	ROW01S	Ross-on-Wye	Ross-on-Wye Bowling Club 1, Old Maids Walk, Ross-on-Wye	<b>1644</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Ross (West)	ROW02S	Ross-on-Wye	Ross-on-Wye Bowling Club 2, Old Maids Walk, Ross-on-Wye	<b>831</b>	New polling district and 2 <sup>nd</sup> new polling station at venue to ensure electorate does not exceed 2500 at polling station
<u>Saxon Gate</u>	Hereford (Saxon Gate)	SG01S	Ross-on-Wye	Putson (Saxon Hall) Community Centre 1, Hoarwithy Road, Hereford	<b>1676</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Saxon Gate)	SG02S	Ross-on-Wye	Putson (Saxon Hall) Community Centre 2, Hoarwithy Road, Hereford	<b>1170</b>	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Stoney Street</u>	Bishopstone	SS01N	Bishopstone / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers	153	NB. This Ward is split over both constituencies.  New polling station to better serve the local electorate

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	Bridge Sollers	SS02N	Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers	<b>24 / 369</b>	NB. This Ward is split over both constituencies.  New polling station to better serve the local electorate
	Byford	SS03N	Byford / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers	<b>77</b>	NB. This Ward is split over both constituencies.  New polling station to better serve the local electorate
	Clehonger	SS04S	Clehonger	Clehonger Village Hall	<b>1093</b>	NB. This Ward is split over both constituencies.  No change
	Eaton Bishop	SS05S	Eaton Bishop	Eaton Bishop Village Hall	<b>322</b>	NB. This Ward is split over both constituencies.  No change
	Kenchester	SS06N	Kenchester / Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers	<b>68</b>	NB. This Ward is split over both constituencies.  New polling station to better serve the local electorate
	Madley	SS07S	Madley	Madley Village Hall	<b>964</b>	NB. This Ward is split over both constituencies.

						No change
	Mansel Gamage	SS08N	Mansel Gamage/ Bridge Sollers	New Bridge Community Centre, At Andrews Church, Bridge Sollers	47	NB. This Ward is split over both constituencies.  New polling station to better serve the local electorate
<u>Sutton Walls</u>	Marden	SW01N	Marden	Marden Community Centre	1089	No change
	Moreton-on-Lugg	SW02N	Moreton-on-Lugg	Moreton-on-Lugg Village Hall	672	No change
	Sutton	SW03N	Sutton St Nicholas	Sutton St Nicholas Community Centre	726	No change
<u>Three Crosses</u>	Ashperton	TC01N	Ashperton	Ashperton Village Hall	191 / <b>561</b>	No change
	Aylton	TC02N	Aylton / Putley	Putley Parish Hall	105	No change
	Canon Frome	TC03N	Canon Frome / Ashperton	Ashperton Village Hall	117	No change
	Castle Frome	TC04N	Castle Frome / Ashperton	Ashperton Village Hall	107	Moved to new ward as per boundary changes so change to polling station required. Old polling station is in a different ward.
	Eggleton	TC05N	Eggleton /	Ashperton Village	50	No change

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			Ashperton	Hall		
	Felton	TC06N	Felton / Ocle Pychard	Burley Gate Village Hall	54	No change
	Little Marcle	TC07N	Little Marcle / Putley	Putley Parish Hall	109	No change
	Moreton Jeffries	TC08N	Moreton Jeffries / Ocle Pychard	Burley Gate Village Hall	23	No change
	Much Cowarne	TC09N	Much Cowarne / Ocle Pychard	Burley Gate Village Hall	362	No change
	Munsley	TC10N	Munsley	Munsley Village Hall	<b>105</b>	No change
	Ocle Pychard	TC11N	Ocle Pychard	Burley Gate Village Hall	213 / <b>869</b>	No change
	Pixley	TC12N	Pixley / Munsley	Munsley Village Hall	114	No change
	Putley	TC13N	Putley	Putley Parish Hall	199 / <b>413</b>	No change
	Stoke Lacy	TC14N	Stoke Lacy	Stoke Lacy Village Hall	<b>294</b>	No change
	Stretton	TC15N	Stretton Grandison /	Ashperton Village	96	No change

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	Grandison		Ashperton	Hall		
	Ullingswick	TC16N	Ullingswick/ Ocle Pychard	Burley Gate Village Hall	217	No change
	Weston Beggard	TC17N	Weston Beggard / Yarkhill	Yarkhill Village Hall	163	Moved to new ward as per boundary changes so change to polling station required. Old polling station is in a different ward.
	Yarkhill	TC18N	Yarkhill	Yarkhill Village Hall	257 / <b>420</b>	No change
<u>Tupsley</u>	Hereford (Tupsley)	TU01S	Hereford	Hampton Park United Reform Church 1, Hampton Dene Road, Hereford	<b>1206</b>	New polling district to ensure electorate does not exceed 2500 at polling station
	Hereford (Tupsley)	TU02S	Hereford	Hampton Park United Reform Church 2, Hampton Dene Road, Hereford	<b>1455</b>	New polling district and 2nd new polling station at venue to ensure electorate does not exceed 2500 at polling station
<u>Weobley</u>	Birley with Upper Hill	WE01N	Birley with Upper Hill	The Bush Inn, Bush Bank	<b>263</b>	No change
	Brinsop & Wormsley	WE02N	Brinsop & Wormsley / Mansel Lacy	Mansel Lacy Community Centre	102	No change

	Canon Pyon	WE03N	Canon Pyon	Canon Pyon Parish Hall	439 / <b>662</b>	No change
	Dilwyn	WE04N	Dilwyn	Dilwyn Cedar Hall	<b>600</b>	No change
	Kings Pyon	WE05N	Kings Pyon / Canon Pyon	Canon Pyon Parish Hall	144	No change
	Kings Pyon	WE06N	Kings Pyon / Canon Pyon	Canon Pyon Parish Hall	79	No change
	Mansel Lacy	WE07N	Mansel Lacy	Mansel Lacy Community Centre	121 / <b>326</b>	No change
	Weobley	WE08N	Weobley	Weobley Village Hall	<b>976</b>	No change
	Yazor	WE09N	Yazor / Mansel Lacy	Mansel Lacy Community Centre	103	No change
<u>Whitecross</u>	Hereford (Whitecross)	WH01S	Hereford	Hereford Musical Theatre Hall, Whitecross Road, Hereford	<b>1204</b>	New polling district to ensure electorate does not exceed 2500 and change of polling station to reflect ward change.
	Hereford (Whitecross)	WH02S	Hereford	Westfaling Street Scout Hut, Westfaling Street, Hereford	<b>1472</b>	New polling district to ensure electorate does not exceed 2500 and new polling station as previous venue had poor disabled access.
<u>Widemarsh</u>	Hereford	WI01S	Hereford	The Courtyard, Edgar Street,	336 / <b>1535</b>	New polling district to ensure electorate does not exceed 2500

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	(Widemarsh)			Hereford		and new polling station.
	Hereford (Widemarsh)	WI02S	Hereford	The Courtyard, Edgar Street, Hereford	1199	New polling district to ensure electorate does not exceed 2500 and new polling station.
	Hereford (Widemarsh)	WI03S	Hereford	St Marys Church Hall, Grandstand Road, Hereford	520	New polling district to ensure electorate does not exceed 2500 at polling station
<u>Wormside</u>	Allensmore	WM01S	Allensmore	Allensmore Pateshall	<b>467</b>	No change
	Callow	WM02S	Callow	Callow Village Hall	65 / <b>362</b>	No change
	Dewsall	WM03S	Dewsall / Callow	Callow Village Hall	10	No change
	Grafton	WM04S	Grafton / Callow	Callow Village Hall	130	No change
	Haywood	WM05S	Haywood / Callow	Callow Village Hall	157	No change
	Kenderchurch	WM06S	Kenderchurch / Kilpeck	Kilpeck & District Village Hall	63	No change
	Kilpeck	WM07S	Kilpeck	Kilpeck & District Village Hall	138 / <b>367</b>	No change
	Kingstone	WM08S	Kingstone	Kingstone Village	956 / <b>984</b>	No change

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				Hall		
	Much Dewchurch	WM09S	Much Dewchurch	Much Dewchurch Memorial Hall	<b>504</b>	No change
	St Devereux	WM10S	St Devereux / Kilpeck	Kilpeck & District Village Hall	87	No change
	Thruxton	WM11S	Thruxton / Kingstone	Kingstone Village Hall	28	No change
	Treville	WM12S	Treville / Kilpeck	Kilpeck & District Village Hall	35	No change
	Wormbridge	WM13S	Wormbridge / Kilpeck	Kilpeck & District Village Hall	44	No change

## Appendix C

### Representations/Summary of Consultation Responses made at the February to April 2014 Review of Polling Districts, Polling Places and Polling Stations

Ward/Polling District	Polling District	Comments	Additional Comments	Returned via	Sender
Belmont	Belmont Rural BE01S	Strongly agree with polling district and polling station		Online response	Individual
Belmont	Belmont Rural BE01S	Agree with polling district and agree with polling station		Online response	Individual
Bircher	Kingsland BI04N	Agree with polling district and agree with polling station		Online response	Organisation
Bromyard Bringsty	Edvin Loach & Saltemarshe BT04N, Tedstone Delamere BT07N, Tedstone Wafre BT08N, Upper Sapey BT09N, Wolferlow BT09N		N Bromyard Group Parish Council agree to the polling stations listed for use in 2015	Online then emailed	Parish Clerk of N Bromyard GPC
Bromyard Bringsty	<i>Unable to establish which polling district referred to</i>	No comment on polling district. Agree with polling station		Online response	<i>Not completed</i>
Golden Valley North	Preston-on-Wye GN08S	Agree with polling district and strongly polling station		Downloaded Online form and posted	Individual



Hinton & Hunderton	St Martins & Hinton ?HN02S	Agree with polling district and agree with polling station	Handy location but external lighting on polling station not adequate and it is a dark road to walk along. ( <i>Refers to PPC 2012 election. Unable to establish which venue was used</i> )	Online response	Individual
Ledbury North & South	Ledbury North LEN01N LEN02N LEN03N Ledbury South LES01N LES02N LES03N LES04N	Strongly disagree to all polling districts and polling stations	Referring to Ledbury South - suggest Trinity Hall (to rear of Catholic Church, New Street) as a possible venue.	Online response	Organisation Ledbury Town Council
Ledbury South	Ledbury (South) LES04N	Neither agree or disagree re polling district or polling station		Online response	Individual
Ledbury West	Ledbury West LEW01N LEW02N LEW03N	Strongly disagree with polling district and polling station	Ledbury Primary School is an unsuitable venue. Issues with safety, parking. Does not wish school to close. Suggests hiring mobile portacabin & siting it in a business	Downloaded Online form and posted	Individual

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			car park		
Ledbury West	Ledbury (West) LEW01N	Strongly agree with polling district and polling station	The Primary School appears to be the most appropriate for this new ward.	Online response	<i>Not completed</i>
Ledbury West	Ledbury West LEW01N LEW02 LEW03N	Strongly disagree to all polling districts and polling stations	The Ledbury Primary School campus is not an appropriate venue for a polling station due to the likelihood of need for closure, lack of parking provision and children safeguarding issues. Suggest the use of a mobile polling station which could possibly be situated in a large business car park, such as Homebase, or other suitable space within the polling district. The Town Council would like to re-iterate its previous comments: Historically the allocation and operation of polling		Organisation Ledbury Town Council

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			stations in Ledbury has been sufficient, and with efficient management could adequately meet the future needs of the electorate. There has been no appreciable increase in the electoral roll.		
Leominster South	Monkland & Stretford LOS04N	Strongly agree with polling district and polling station		Online response	Individual
Llangarron	Marstow LR05S		No issues. No changes for Marstow	Online then emailed	Individual
Newton Farm	Hereford (Newton Farm) NF01S	Strongly agree with polling district and polling station		Online response	Individual
Saxon Gate	Saxon Gate SG01S	Agree with polling district and strongly agree with polling station		Online response	Individual
Three Crosses	Yarkhill TC13N	Agree with polling district and strongly agree with polling station		Online response	Individual
Weobley	Dilwyn WE04N	Agree with polling district and polling station	New ward boundaries make sense	Online then emailed	Individual

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Weobley	Weobley WE08N	Strongly agree with polling district and polling station		Online response	Individual
Weobley	Canon Pyon WE03N Kings Pyon WE05N	Agree with polling district and agree with polling station	Pyons Group Parish Council has noted the addition of an extra polling station at Bush Bank (WE05N). The additional polling station is supported provided there is not an additional cost for the parish council's share of election costs.	Online response	Organisation Pyons Group Parish Council



<b>MEETING:</b>	<b>Council</b>
<b>MEETING DATE:</b>	<b>26 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>Leader's Report</b>
<b>REPORT BY:</b>	<b>Leader of the Council</b>

## Classification

Open

## Key Decision

This is not an executive decision.

## Wards Affected

County-wide

## Purpose

To receive a report from the Leader on the activities of Cabinet since the meeting of Council in July.

## Recommendations

**THAT:** the report be noted.

## Alternative Options

1 There are no alternative options; it is a requirement of the council's constitution.

## Reasons for Recommendations

2 To ensure members are aware of the activities of Cabinet.

## Key Considerations

3 A list of the decisions taken by the executive since the last report to Council on 18 July is provided at appendix A; two were taken under the general exception provision

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Further information on the subject of this report is available from  
Cllr AW Johnson, Leader of the Council on Tel (01432) 260494

(less than twenty-eight but more than five days' notice), none were taken under the urgency provision (less than five days' notice).

- 4 Members will note in appendix A that on 11 September Cabinet considered the outcome of the Ofsted inspection of arrangements for safeguarding children in Herefordshire, and approved the action plan in response to improvement areas identified. In debating this supremely important issue all members present, not just Cabinet members by group leaders and scrutiny chairmen, were in agreement that assurance must be sought that our children and young people are being given all the support needed to stay safe, particularly in light of the issues highlighted recently in Rotherham. Herefordshire is undeniably a beautiful place to live and work, but we cannot blind ourselves to the unpalatable fact that vulnerable children and young people can be subject to abuse or exploitation wherever they live. It is incumbent on us all to raise any concerns we may have and to hear what our young people are really telling us about their experiences.
- 5 The council has informed Hereford United Football Club (1939) Limited that it will be supporting the current winding up petition and seek full recovery of all monies owed to it by the club. Both the council and the company have previously stated their commitment to maintaining professional football at Edgar Street. Whilst we very much hope that football will continue, the council must balance this wish with its responsibility to recover the outstanding monies and protect the interests of local taxpayers. As such, subject to the position of other creditors, the council is happy to discuss deferring payment with the club (for a set period of time), if the council assumes responsibility for redevelopment of the ground and ends. If this is agreed, it would allow the club to focus on football. I should emphasise that this is not a party political issue but one on which all groups on the council have been working together to seek to resolve.

## **Community Impact**

- 6 The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Equality and Human Rights**

- 7 Cabinet have paid due regard to the public sector equality duty in their decision-making as set out in the relevant decision reports.

## **Financial Implications**

- 8 The financial implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Legal Implications**

- 9 The legal implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

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## **Risk Management**

- 10 The risks associated with any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

## **Consultees**

- 11 None.

## **Appendices**

- Appendix A – Executive Decisions

## **Background Papers**

- None identified.





<b>Decision</b>	<b>Date</b>	<b>Taken By</b>
<i>Elective Home Education</i> - the policy on elective home education in order to meet statutory obligations and provide clarity about the council's approach for parents and carers who decide to home educate was approved.	07/07/14	Cabinet Member Young People & Children's Wellbeing
<i>Families First Programme</i> - progress to date on the Families First (troubled families) programme in Herefordshire was noted and next steps for implementation were agreed.	07/07/14	Cabinet Member Young People & Children's Wellbeing
<i>Enterprise Zone</i> – approval was given to invest £1.1m of the agreed £5m capital programme provision to support improvements in infrastructure at the enterprise zone.	07/07/14	Cabinet Member Contracts & Assets
<i>Fostering Framework Agreement</i> – Following procurement exercise undertaken jointly with Worcestershire County Council the awarding of contracts to preferred providers of independent foster care placements for Herefordshire's second fostering framework agreement was approved.	09/07/14	Cabinet Member Young People & Children's Wellbeing
<i>Day opportunities</i> – following a procurement process, approval was given to award contract for the provision of day opportunities for adults with learning disabilities to Brandon Trust.	09/07/14	Cabinet Member Health & Wellbeing
<i>Market Position Statement</i> – the Cabinet Member approved the adult social care market position statement, and accompanying implementation plan.	18/07/14	Cabinet Member Health & Wellbeing
<i>Children with health needs</i> - a policy regarding education for children who are unable to attend school because of health needs was approved.	19/07/14	Cabinet Member Young People and Children's Wellbeing
<i>High Needs Tariff</i> – following consultation with Schools Forum, proposals regarding education high needs arrangements and funding were approved.	24/07/14	Cabinet Member Young People & Children's Wellbeing
<i>Crowd Funding</i> – approval was given to allocate £50,000 to support a peer-to-peer funding scheme via a “crowd funding” mechanism and to secure a crowd funding platform for delivery.	28/07/14	Cabinet Member Corporate Strategy & Finance
<i>Wheeled bins</i> – the award of contract and funding arrangements for the purchase of wheeled bins was approved to support the move to alternate weekly collection.	31/07/14	Cabinet Member Contracts & Assets
<i>Corporate Performance and Financial Outturn</i> – Cabinet reviewed performance and financial outturn reports.	31/07/14	Cabinet
<i>Children's Safeguarding</i> – the business plan for the Herefordshire Safeguarding Children Board was reviewed and approved.	31/07/14	Cabinet
<i>Youth Justice</i> – the annual West Mercia Youth Justice Plan was reviewed and recommended to Council for approval. This	31/07/14	Cabinet

<b>Decision</b>	<b>Date</b>	<b>Taken By</b>
appears elsewhere on the agenda for Council.		
<i>Marches Local Enterprise Partnership (LEP)</i> - approval was given to delegate executive functions relating to the Marches LEP to a joint executive committee.	31/07/14	Cabinet
<i>Hoople</i> – the future approach to the commissioning of services provided by Hoople was agreed.	31/07/14	Cabinet
<i>Colwall Primary School</i> – approval was given to the leasing of temporary buildings and undertaking of necessary associated works to enable the re-siting of Colwall CE Primary School on its playing field whilst investigation works are completed and a permanent solution for the school is determined.	08/08/14	Cabinet Member Corporate Strategy & Finance
<i>Waterfields</i> – following a procurement exercise, approval was given to award the contract for the Waterfields Supported Living facility to Voyage Care.	13/08/14	Cabinet Member Health & Wellbeing
<i>LED Street Lighting</i> – approval was given to the implementation of the £5.517m LED street lights “invest to save” project	13/08/14	Cabinet Member Infrastructure
<i>Domestic Violence &amp; Abuse</i> - approval was given to re-tender the Herefordshire domestic violence and abuse support service contract currently provided by West Mercia Women’s Aid.	20/08/14	Cabinet Member Health & Wellbeing
<i>Housing Related Support</i> – approval was given to continue (at a reduced level and cost) for a period of 11 months the housing related support service contract currently delivered by Festival Housing, pending the outcome of a wider review of housing related support services.	20/08/14	Cabinet Member Health & Wellbeing
<i>Household Recycling Centres</i> – the executive’s response to the recommendations of the task & finish review group’s report on household recycling centres was approved.	01/09/14	Cabinet Member Contracts & Assets
<i>Insurance</i> – following a procurement exercise, the placing of the council’s insurance business was approved.	04/09/14	Cabinet Member Corporate Strategy & Finance
<i>Pot Holes</i> – approval was given to invest additional funds received by the council from the Government’s pothole und in accordance with the council’s highway asset management strategy	04/09/14	Cabinet Member Transport & Roads
<i>Children’s Safeguarding</i> - the outcome of the Ofsted inspection of services for children in need of help and protection, children looked after and care leavers was noted, and the action plan in response to the improvement areas identified was approved.	11/09/14	Cabinet
<i>Local Transport Plan</i> – Cabinet agreed to recommend to Council the extension of the current plan pending the adoption of the local development framework and this matter appears	11/09/14	Cabinet

<b>Decision</b>	<b>Date</b>	<b>Taken By</b>
elsewhere on the council agenda.		
<i>Public Realm Annual Plan</i> - the Annual Plan for the Public Realm Services Contract with Balfour Beatty Living Places, and arrangements for agreeing any necessary in year adjustments were approved.	12/09/14	Cabinet Member Transport & Roads

