

Agenda

Cabinet

Date: **Thursday 26 September 2019**

Time: **2.00 pm**

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

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

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Agenda for the meeting of Cabinet

Membership

Chairperson Councillor David Hitchiner, Leader of the Council
Vice-Chairperson Councillor Felicity Norman, Deputy Leader of the Council

Councillor Pauline Crockett
Councillor Gemma Davies
Councillor John Harrington
Councillor Liz Harvey
Councillor Trish Marsh
Councillor Ange Tyler

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
3.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 25 July 2019.</p>	11 - 26
4.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive questions from members of the public. <i>Deadline for receipt of questions is 5:00pm on Friday 20 September 2019. Accepted questions will be published as a supplement prior to the meeting. Please see https://www.herefordshire.gov.uk/getinvolved for information on how to submit a question.</i></p>	
5.	<p>QUESTIONS FROM COUNCILLORS</p> <p>To receive questions from councillors. <i>Deadline for receipt of questions is 5:00pm on Friday 20 September. Accepted questions will be published as a supplement prior to the meeting.</i></p>	
6.	<p>EXECUTIVE RESPONSE TO THE CLIMATE EMERGENCY</p> <p>To approve the cabinet's response to the climate emergency resolution that was unanimously supported at the meeting of full council on 8 March 2019.</p> <p>To approve the cabinet's response to the zero carbon citizen's assembly resolution that was passed by council at the meeting of full council on 12 July 2019.</p>	27 - 38
7.	<p>YOUTH JUSTICE PLAN 2019 - 2020</p> <p>To review the draft Youth Justice Plan 2019/20 at appendix a, and agree for the plan to be considered by full council.</p>	39 - 76
8.	<p>GAMBLING POLICY 2019-2022 (REVIEW)</p> <p>To review the statement of principles (Gambling Policy) to be applied by the council when exercising licensing functions under the Gambling Act 2005 and recommend the revised policy to Council.</p>	77 - 152
9.	<p>TRAVELLERS SITES DEVELOPMENT PLAN DOCUMENT</p> <p>To recommend to council that the Herefordshire travellers' sites development plan document (DPD) 2018 -2031 is adopted.</p>	153 - 232
10.	<p>ACCOMMODATION BASED SUPPORT SERVICE FOR CARE LEAVERS</p> <p>To approve the commissioning of a service to provide vulnerable care</p>	233 - 252

leavers with support to develop their skills, resilience, opportunities for training and employment, engagement with relevant services and integration with their community to enable them to move towards independent living. This service will also help the young people to understand their rights and responsibilities as tenants and what to expect of Landlords.

11. HEREFORD BID2

253 - 276

To agree to vote in favour of Hereford BID for the second, five year term.
To agree to pay the levy on Herefordshire Council properties in the BID area to the value of £21,495 per annum.

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

Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and six other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

Cllr David Hitchiner (Leader) (Herefordshire Independents)	Corporate Strategy and Budget
Cllr Felicity Norman (Deputy Leader) (The Green Party)	Children and Families
Cllr Gemma Davies (Herefordshire Independents)	Commissioning, Procurement and Assets
Cllr Trish Marsh (The Green Party)	Environment, Economy and Skills
Cllr Liz Harvey (It's Our County)	Finance and Corporate Services
Cllr Pauline Crockett (Herefordshire Independents)	Health and Adult Wellbeing
Cllr John Harrington (It's Our County)	Infrastructure and Transport
Cllr Ange Tyler (Herefordshire Independents)	Housing, Regulatory Services and Community Safety

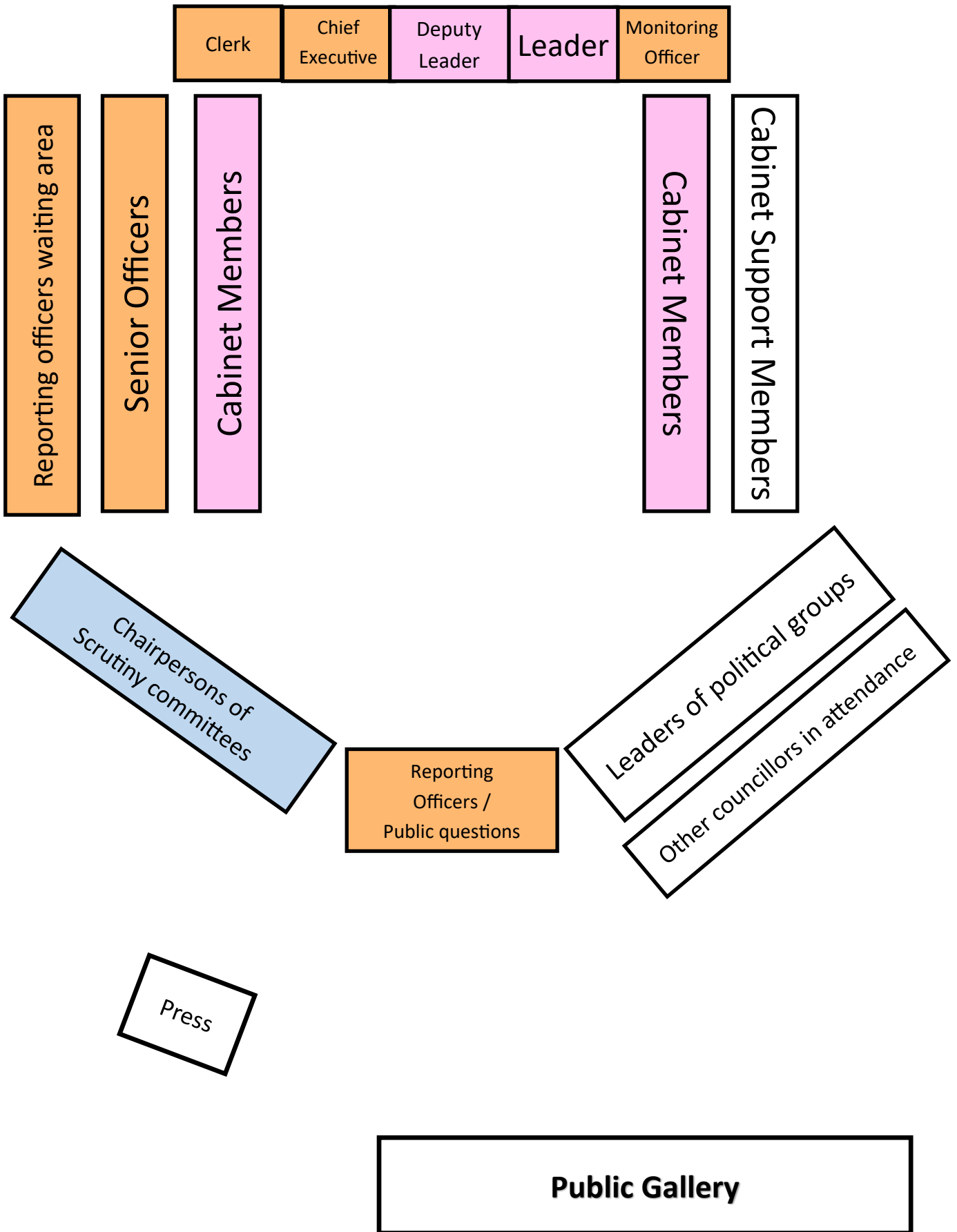
The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

On the next page you will find a layout plan of the room showing who is sitting where. Coloured nameplates are used which correspond to the colours on the plan as follows:

Pink	Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting.
Orange	Officers of the council – attend to present reports and give technical advice to cabinet members
Blue	Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion
	Political group leaders attend to present the views of their political group on the item under discussion. Other councillors may also attend as observers but are not entitled to take part in the discussion.



Herefordshire Council

Minutes of the meeting of Cabinet held at The Council Chamber, Shire Hall, St Peters Square, Hereford on Thursday 25 July 2019 at 6.30 pm

Present: Councillor David Hitchiner, Leader of the Council (Chairman)
 Councillor Felicity Norman, Deputy Leader of the Council (Vice-Chairman)
 Councillors Pauline Crockett, Gemma Davies, John Harrington, Liz Harvey and Trish Marsh

Cabinet support members in attendance Councillors John Hardwick and Peter Jinman
 Group leaders in attendance Councillors Terry James and Bob Matthews
 Scrutiny chairpersons in attendance Councillors Jonathan Lester
 Other councillors in attendance: Councillors Tracy Bowes, Elizabeth Foxtan, Graham Jones, Jeremy Milln, David Summers, Mike Jones, Tim Price and Nigel Shaw
 Officers in attendance: Alistair Neill, Richard Ball, Chris Baird, Claire Ward, Andrew Lovegrove and Karen Wright

73. APOLOGIES FOR ABSENCE
 Apologies were received from Councillor Ange Tyler.

74. DECLARATIONS OF INTEREST
 None.

75. MINUTES
 One point of accuracy had been notified to the monitoring officer. Councillor Peter Jinman had not in fact been present at the meeting of 25 June 2019 and it was agreed that this be corrected in the record.

Resolved: That with the agreed correction the minutes of the meeting held on 25 June 2019 be approved as a correct record and signed by the Chairman.

76. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 14)
 Questions received and responses given are attached as appendix 1 to the minutes.

77. QUESTIONS FROM COUNCILLORS (Pages 15 - 16)
 Questions received and responses given are attached as appendix 2 to the minutes.

The leader of the council gave an update on the planned decision on road infrastructure projects. The cabinet member infrastructure and transport had been working closely with officers with the previously advertised deadline in mind. However, the work involved had been more extensive than originally thought, so publication of the decision would be delayed most likely into the week beginning 29 July. The leader of the council and cabinet member were of the view that they should ensure that this very important

decision was right and that this was more important than complying with a self-imposed deadline, which in hindsight was perhaps a little ambitious.

78. HEREFORDSHIRE SUICIDE PREVENTION STRATEGY

The cabinet member health and adult wellbeing introduced the report, supported by the head of strategic housing and wellbeing commissioning and the Senior Commissioning Officer.

Key points of the strategy were noted as follows:

- The strategy had been produced and would be delivered with a number of partner agencies with all being responsible for monitoring progress;
- The strategy covered all age groups and was prompted by the national strategy but with a focus on Herefordshire's population profile and priorities;
- There were multiple risk factors identified in suicides with three key groups being middle aged and younger men, users of mental health services and individuals with a history of self-harm;
- Communities had an important role in the delivery of the strategy in Herefordshire and there were a number of proposals related to this;
- Social media could have a negative impact and posed a risk in some instances but there was increasing evidence that it could also be protective and have beneficial aspects, use of a range of media would be important in delivering the strategy.

In discussion of the item it was stated that:

- Talk Communities was a new initiative of the council guiding its approach to engagement with communities, Talk Community hubs would be led and organised by local volunteers and community groups with support from the council, it was hoped that 50 hubs would be in place by 2021;
- The communications team would be involved in development the action plan and identifying the best media to use to target particular population groups;
- There was not a large amount of direct data or analysis of links between criminal exploitation and suicide, however the risks arising from child sexual exploitation were a known factor and work was already taking place with partners on this;
- Recent research had not particularly identified debt as a risk factor although it was recognised that financial worries generally were a source of anxiety and could lead to mental health difficulties;
- There was a formal process for monitoring deaths from substance misuse and these were recorded separately from suicides, there were some commonalities including the involvement of the coroner in both cases;
- Discussions were underway with the coroner's office and public health to improve access to usable data on suicides as there was often a time lapse between the event and the data being available, it was hoped to establish a regular form of audit as this was a proven way to improve understanding;
- The WISH (Wellbeing Information and Signposting for Herefordshire) service was looking to develop key words search to direct people to relevant sources of information;
- The farming and wider agricultural community were a high risk group in Herefordshire, a key focus would be to establish how to reach those more vulnerable communities and the council would be looking to tap into existing networks and the communities themselves;
- It was seen as important to build resilience in individuals, families and communities;
- The advice for anyone concerned about someone who may be a suicide risk was to talk about it openly, as this was known to have a protective element, and to seek help from someone with appropriate training e.g. a mental health first aider, the Samaritans;

- There were also specialist networks who could provide support, such as the Farming Community Network, Borderlands and the Royal Agricultural Benevolent Institution (RABI).

Group leaders were invited to present the views of their group. It was noted that:

- The strategy was welcomed but it was important that it was followed through with action;
- There was a need to be proactive and more information was needed for members of the community who might be concerned about family members or friends;
- The local patterns broadly reflected national figures although the numbers in the construction industry were higher in Herefordshire than nationally and the reasons for this were not yet fully understood.

It was agreed that:

- (a) The Herefordshire suicide prevention strategy 2019-2023 at appendix 1 be approved.**

79. QUARTER 1 2019/20 CORPORATE BUDGET AND PERFORMANCE REPORT

The cabinet member, finance and corporate services introduced the report. Key points highlighted were:

- Projected budget position at year end was a £16k under spend, this was an improvement from the same point in the previous financial year;
- Projected overspend in the children and families directorate reflected an increase in LAC costs but this was balanced out by a projected underspend in treasury management costs due to reduced and delayed borrowing for capital expenditure;
- There were no corporate risks that remained red after mitigation had been applied;
- Savings in workforce design in economy and place directorate of £270k still remained to be delivered;
- The cabinet member would be working with officers to improve the relevance and coverage of metrics as part of the next corporate plan;
- The persistent level of staff absence in the adults and communities directorate was under active investigation by managers.

In discussion of the report, it was noted that:

- Expenditure on fastershire was less than planned due to phasing of works to get best value for money, all funds were expected to be spent but might not be fully committed in the current financial year;
- Reasons for the level of staff absence in adults and communities directorate were being explored but possible factors included pressures of workload, extensive manual handling in some roles and a desire not to pass on illness to vulnerable individuals they were supporting.

Group leaders were invited to give the views of their group. It was noted that it was early in the new administration to make any real judgements but the current performance was satisfactory from a budgetary point of view. Concerns were expressed about the delay in progressing the Waverley House and Hillside projects and whether they still represented value for money. The cabinet member health and adult wellbeing explained that the two projects were on pause and would be reported on in the very near future.

In relation to the progress of the fastershire project, it was noted that active discussions had taken place with Gloucestershire on delivering the last 14% of the rollout and this would be reported on in the next quarter.

It was agreed that:

(a) Performance and financial outturn for quarter 1 2019/20, as set out in appendices A - G, were reviewed and the Cabinet did not identify any additional actions to be considered to achieve future improvement.

80. BUDGET PLANNING AND CORPORATE PLAN CONSULTATION

The cabinet member finance and corporate services introduced the report, supported by the head of corporate performance. It was highlighted that:

- There was intended to be a more actively consultative approach to setting the 2020/21 budget;
- It was proposed that engagement with stakeholders be frontloaded in the timetable and would take a variety of forms across a range of localities;
- Existing forums, groups and meetings would be utilised;
- Formal consultation would take place later than in previous years and would be based on a draft budget and corporate priorities informed by the stakeholder engagement;
- The new corporate plan would run for a four year period, the new budget and medium term financial strategy would align to the priorities in the new plan.

In discussion of the report, it was noted that:

- The settlement from central government was expected to be a single year settlement and the announcement was likely to be very late December, officers were working hard to make robust assumptions about what the settlement would contain;
- Revenue funds would remain tight and it would be necessary to establish the absolute key priorities;
- The council would look at opportunities to make savings in a sustainable manner and at options to increase income streams from chargeable services and other sources;
- It was important to consult with trade unions as part of the process;
- Council staff would also be encouraged to identify new and more efficient ways of doing things;
- Ward members would be encouraged to help identify hard to reach areas and methods to engage these communities.

The scrutiny committees would be engaged with as part of the consultation process. The chairman of the general scrutiny committee noted that the committee hoped to have an early meeting to discuss the budget and then a further meeting in January 2020. The cabinet member finance and corporate services welcomed this approach and noted that a draft budget should be ready in November for early consideration.

Group leaders were invited to present the views of their group. In response to comments, it was noted that:

- Pressures were anticipated in the children and families directorate due to the uncertainties that were inherent in child protection work and in the rising costs of adult social care due to the aging population;
- Parish councils would be an important stakeholder in the consultation and a parish summit about the budget would take place in the early autumn;
- Individual meetings with the city council and market town councils would also take place in recognition that these bodies represented two thirds of county residents.

It was agreed that:

- (a) the proposed timetable for the development and adoption of the Medium Term Financial Strategy and the 2020/21 budget be approved;**
- (b) the approach for consulting on budget proposals for 2020/21 as set out in paragraphs 12 to 17 be approved; and**
- (c) the timescales and proposals for engagement on the council's priorities for a new corporate plan be approved.**

The meeting ended at 7.44 pm

Chairman

PUBLIC QUESTIONS TO CABINET – 25 July 2019

Question 1

Mr S Booth, Hereford

To: cabinet member, housing, regulatory services and community safety

In reply to my question at last week's Council meeting, I was referred to the Housing Strategy 2016-2020 and its scheduled renewal in the coming year. This document, unfortunately, is next to useless, as it lists the Council's 'responsibilities' for which they have no 'authority' to carry out their plan - having no housing stock as leverage. This is impacting on Homeless Prevention, who face a diminishing and very costly 'temporary housing' problem.

In view of the promotional funding programmes which are available, referred to in my previous question, should the Council, as a matter of urgency, review its position and have an imaginative strategy in place, with all its partners, to build and manage its own housing stock - which would ignite local interest to provide homes of the right type and in the right place?

Response

The council's Interim Housing Strategy 2016-2020 seeks to address a wide range of issues beyond the problem of Homeless Prevention, which is a nationwide challenge. The council has a separate Homelessness Prevention Strategy that sets out detailed actions to prevent and address homelessness in the county working jointly with a range of statutory and voluntary sector partners. This strategy is also due for review in the coming year.

As I mentioned in my response to your earlier question to Council, we will indeed ensure that the review of both the Housing and Homelessness Prevention strategies will look at how best to make use of the opportunities that exist to increase the delivery of new affordable homes in Herefordshire and the role of the council in doing so. We will look at all options to encourage the building of quality homes that meet the needs of our communities, and welcome any suggestions from the community about ways in which we can achieve this.

Question 2

Mrs E Morawiecka, Breinton

To: cabinet member, finance and corporate services

The Internal Auditors special investigation on the Blueschool House overspend, recommended that detailed budgets for large capital projects were to be prepared and regularly reviewed, and actual spend tracked and monitored closely to these budgets. Despite millions of pounds of taxpayers money spent, at the last Audit & Governance meeting it was reported that no major road projects were on the new capital monitoring system, nearly a year after these recommendations were made. In view of the large sums of public money that have been spent on such projects, would the Cabinet member responsible, confirm that instead of using out of date, outline budgets that the capital transport schemes are now being controlled and monitored in accordance with the internal audit recommendations?

Response

Yes. I can confirm that following a phased approach to moving projects from the corporate programme into a new project management system that began in October 2018, the major infrastructure projects of the council are now all established within the new system. This

provides a level of detail for the monitoring of planned and actual expenditure against budgets agreed by Cabinet that is sufficient to address the recommendations from the Blueschool House Refurbishment Special Investigation. Financial information within the new system means that Project Managers can ensure that Project Sponsors are fully aware of the financial requirements of projects and can take ownership of the project budget.

I should clarify that prior to the introduction of the new project management system, it was not the case that capital schemes were not being controlled and monitored or that out of date outline budgets were being used; rather there were inconsistent approaches to doing so.

It is part of the natural process of project development that projected costs will evolve during the feasibility and planning stages. A strong project management approach, such as that now being used by the council, ensures that if expected costs rise beyond the approved budget, a decision will be taken on whether the project should be terminated or whether additional money is allocated to the project. Regular capital programme budget reporting is included as part of the council's quarterly performance report.

Supplementary question

At the November 2018 public inquiry into the South Wye Transport Package the only budget presented by Herefordshire Council was the outline budget for the scheme dated 2014, which showed that the council anticipated £5m of funding coming from property developers and the cost of professional fees to be expended of just £781k. By March 2019, just five months later, the actual cost of professional fees were reported to be well over £4m. If the five year old budget for this transport project has now been updated, in accordance with the Blueschool House recommendations from the internal auditor, would the cabinet member please advise how much funding Herefordshire Council now expect to recover from developers such as Bloor Homes who stand to benefit from new road infrastructure being built ahead of any planning application? And if the contribution from developers is less than £5m does the road scheme still offer good value for money to the local tax payer when costs so far have well exceeded their original budget?

Response

I will ask that you receive a written response.

Question 3

Ms J Tonge, Hereford

To: leader of the council

The corporate delivery plan makes no mention of the Climate Emergency that has been agreed by the council this spring.

Will the Climate Emergency declared by Herefordshire Council just be fine words, or will it form the basis for future decisions and actions and become part of the corporate delivery plan?

Response

Thank you for raising this important issue.

I can confirm that the declaration made by Council in March will not just be fine words. A declaration of itself, while an important statement, achieves little – it is our actions that will count. The council has already taken action to reduce its carbon footprint and improve flood management. However, this administration wishes to give a stronger focus to addressing the

climate emergency. Following the resolution passed by Council in March, we have already provided a briefing to all councillors on carbon management, in preparation for a members' full day event in the autumn. The council also has a web page titled 'Climate' with more information about achievements to date and plans for further action, which will be kept updated as our plans develop.

The resolution passed by Council in March, after the current year's delivery plan was approved, made a number of specific recommendations and Cabinet will be considering how to take those forward at its meeting in September. As you will see from the Cabinet agenda today, we are beginning the process of reviewing the council's Corporate Plan, and will soon be seeking views on our future priorities, and how best to meet them. I very much hope that residents, businesses, and partners will help us to shape this vital plan, so that we can all play our part in responding to the climate emergency.

Question 4

Mr R Palgrave, How Caple

To: cabinet member, commissioning, procurement and assets

The documents submitted as part of the now approved planning application for the student accommodation in Station Approach Hereford (P183841/CD4) included an Energy Strategy written by consultants Ridge for Cityheart Partnerships. The strategy sets out possible options for space and water heating and for renewable energy in the building. To support the aspiration that Herefordshire should be zero carbon by 2030, will the Cabinet member consider making it a requirement that this building is designed and constructed to the highest BREEAM standard, i.e. "Outstanding", that no fossil fuels (e.g. natural gas) will be used for space and water heating, and that on-site electricity consumption will be supplied by solar PV panels on the building to the greatest extent possible?

Response

Thank you for raising this incredibly important issue.

The Energy Strategy Report submitted as part of the planning application for the student accommodation in Station Approach is, in part, a development specific assessment of the available renewable and sustainable technologies. The report also provided information on how we could achieve BREEAM Good/very good, which is the clients brief and normal for this type of accommodation.

A requirement for BREEAM "Outstanding" would be extremely challenging at this location due to financial and site constraints including (but not limited to):

- the very specific planning requirements for the pitched roofscape, (resulting in an orientation and a significant reduction in roof area on which to locate PV panels efficiently);
- lack of space for air source heat pumps on the site or roof to be economically viable; and
- the presence of a Welsh Water major infrastructure foul water sewer pipe located under the entire length of the site parallel to the Link Road, making ground source heat pumps prohibitive.

The Energy Strategy Report considers and assesses the suitability of all available technologies for the building and the specifics of the development before concluding which are the most appropriate ones to proceed with. These detailed findings are provided in the report and have been accepted by the Planning and Regulatory Committee in their assessment of the planning application.

There are significant financial implications associated with achieving “Outstanding”, which only 1% of buildings achieve. In addition to the need to demonstrate value for money the resulting accommodation must be affordable for the students so a balance has to be struck so that with our partners we are able to deliver a viable development which is as energy efficient as possible on that site.

We are aiming to achieve BREEAM Very Good (rather than Good), which is itself a high standard. During the detailed design stage we are continuing to test whether we can achieve some benefit from photo-voltaics in order to reduce reliance on the grid.

You can be assured that any future projects such as this will have, at the forefront of any decision, the climate emergency resolution that was passed in March.

Question 5

Mr E Morfett, Hereford

To: cabinet member, infrastructure and transport

Under the last administration employees of Balfour Beatty and WSP have spoken at various council meetings on the merits of designing large road schemes. They recommended expensive research and design work costing the local taxpayer millions of pounds, without ever declaring their conflict of interests in these matters.

Contracts for this work were awarded to Balfour Beatty and WSP without independent reviews and without competitive tenders.

Will this approach be continued under the new administration or can the public expect independent, non-prejudicial advice to be given to councillors on resolving transport issues in Hereford and across the wider county?

Response

Professional services associated with the design and development of major projects are commissioned and procured through the council’s public realm contract and the council does not believe there is a conflict of interest as you suggest. BBLP provides professional design resource, within the terms and framework of our existing contract, to deliver these projects and provide a fee proposal for each design commission, which is scrutinised and challenged as part of the annual plan commissioning process. Annual fee proposals are reviewed and monitored prior to work commencing and are subjected to robust change control mechanisms.

This public realm contract was awarded to BBLP following a competitive OJEU procurement process in 2012/2013 and design professional services are within the scope of this contract. Going forward the new administration may consider all procurement options, so that value for money is ensured and we continue to get the best possible advice.

Supplementary question

In my opinion the 2012-2013 public realm contract with Balfour Beatty has not served in the best interests of Herefordshire residents despite conforming to the Official Journal of European Union procurement process because it allowed the principle consultants to promote the most expensive, destructive and the most profitable for its shareholders while ignoring cheaper, more efficient solutions for the county. What can the newly elected council do to reduce the inherent bias consistently shown by its principle consultant Balfour Beatty towards expanding road

capacity that will increase congestion before investing in sustainable clean public transport and safe modern walking and cycling networks?

Response

As you know, within the realm of the Balfour Beatty public realm contract, we have a built in mechanism for using them for consultancy work but we are also able to use other people and it may be that we will do that in the future if it presents better value for money. Naturally, as a cabinet member, I cannot necessarily agree with you that there is a bias but the new administration will be making sure that progressive procurement takes place and we are in a period of reviewing all aspects of the council functioning.

Question 6

Dr N Geeson, Hereford

To: cabinet member, finance and corporate services

The Corporate Plan Performance Metrics are to "Enable residents to live safe, healthy and independent lives; to Keep children and young people safe and give them a great start in life; to Support the growth of our economy; and to Secure better services, quality of life and value for money". Opportunities should be fully inclusive for young and old, so why is there focus on condition of roads but no mention of the vital roles of good public transport networks, cycling and walking; especially since these will improve fitness and health, and by reducing use of individual vehicles, help to address the Climate Emergency? Remember that in Hereford cycling can actually reduce journey times too!

Response

The corporate performance metrics associated with our four corporate plan priorities do not try to capture the entirety of our performance data.

There is a focus on the condition of roads because our residents have consistently told us that the condition of our roads as a key area for improvement. Additionally, highway condition is seen as a barrier to delivering good public transport networks, cycling and walking.

We hold extensive metrics for public transport patronage, cycling and walking, in addition to extensive data about the condition and usage and safety of our roads, bridges, footways and cycleways across Herefordshire, all of which informs how we plan and implement actions to deliver the corporate plan priorities.

Question 7

Mrs J Richards, Hereford

To: cabinet member, infrastructure and transport

Many of the city, town and country roads are precarious, posing a risk to all road users. Will this new administration be seeking to continue the policy of the previous Council to divert millions of pounds from the Local Transport Plan maintenance budget and special pothole grants for paying professional advisors millions of pounds to develop new roads schemes instead?

Response

Between the implementation of a new asset management strategy in 2013 and 2018, and with additional investment of £20m during 2014 to 2016 the overall condition of our A, B and C roads has improved. While there is still work to do I cannot agree that many of the city, town and country roads are precarious and pose a risk to all road users.

It is not the council's policy to regularly divert funding from the maintenance of our road network; however the council reserves its right to invest funding that it receives through the Local Transport Plan integrated transport block allocation and maintenance block allocations, (and all other such funds, pothole fund and the like) in accordance with the conditions of the grant award, and in a way that will best secure the objectives that the council holds for Herefordshire.

The funding of these major transport projects has come from both external funding sources and council capital budgets which includes the annual LTP grant. Funding sources are set out in each project decision report during the delivery of these transport projects; if there are implications for service delivery associated with the use of LTP budgets this will also be set out.

As you may be aware I am due to take a decision this month in relation to the Hereford Transport and South Wye Transport package projects and the options as to whether to continue with progression of the schemes, pause and review the schemes or cancel them. The funding of any work following this decision will be set out clearly in any further decision reports.

Supplementary question

If funding for potholes in the Local Transport Plan could be diverted to new road schemes, can the same principle be applied and such funding be used instead to deliver a comprehensive network of safe walking/cycling schemes, good public transport and 20 mph in urban areas and around schools – all of which are shown to reduce the high level of short car journeys that contribute to congestion and pollution in urban areas?

Response

Cabinet member, infrastructure and transport: I think the short answer is yes. I will hand over to the Acting Director for Economy and Place to give a more accurate answer.

Acting Director: The Local Transport Plan Grant from government is provided on the basis of an allocation to Herefordshire in line with its Local Transport Plan so spending of that grant in accordance with the Local Transport Plan is admissible and it is a matter for the cabinet to determine how that is applied.

Question 8

Mr T Geeson, Hereford

To: cabinet member, infrastructure and transport

One of the Council's current performance metrics in Agenda Item 7 Appendix 5 is 'to improve average journey times in Hereford in the morning week-day period

In 2017 I asked the then Cabinet member if there has been recent and comprehensive traffic surveys before the opening of the City Link Road and would these repeated once the new road was opened and would the results be published so we could all assess its impact. Were these surveys completed by the previous administration and if so, what do the results show?

Response

A range of surveys have been completed on the network surrounding the City Link Road following its opening at the end of 2017. The results of these surveys are currently being collated and analysed and will be reported in the autumn.

Supplementary question

Could the cabinet member confirm that the results will be made publically available and to ensure that the report will include an analysis of the roads impacts and not just simply summarise the results of the surveys.

Response

Cabinet member, infrastructure and transport: I would assume so but will ask the acting director for clarity.

Acting Director for Economy and Place: There is no reason for the information not to be made public so I would anticipate that being published. The analysis to be carried out will be to look at what the movements and the surveys have concluded and present that information for people to review.

Question 9

Mrs V Wegg-Prosser, Breinton

To: cabinet member, infrastructure and transport

Noting that Cabinet is responsible for developing and proposing a balanced budget to Council, and that Hereford's flagship endeavour, NMiTE, will welcome its first students this September, could the new Administration please ensure that sufficient resources are allocated to the completion of the Transport Hub at Hereford Railway Station so that the station's 'poor sense of arrival', (noted by Historic England) negatively affecting the aspirations of Hereford as a University City, can be transformed into a welcoming community space for public transport interchange, cycling and walking as soon as possible?

Response

Yes. This council is committed to delivering a high quality transport hub at the railway station along with public realm improvements on Commercial Road and Blueschool Street to transform this part of the city and ensure it becomes a welcoming entrance to the city centre for all visitors including those coming to study here. An allocation of £6m from the overall £40.6m Hereford City Centre Transport Package budget will enable us to deliver this. We are currently developing proposals for consultation later in this financial year.

Supplementary question

It is of course regrettable that the £13m budget for the public realm and active travel measures associated with the Edgar Street Grid was raided to the tune of £7m by the previous administration to complete the funding package for the over-engineered city link road, a road which shamefully is not fit for purpose. So there is only £6m left for the non-road costs of the city centre scheme, instead of £13m. There still seems to be no sense of urgency expressed in the reply to my question. Consultation later in this financial year? That could bring us to March 2020. Does this sort of delay mean that the £6m set aside might be raided again, so that ultimately there is less than £6m available for these vital public realm and active travel measures, rendering them also perhaps not fit for purpose?

Response

I can only apologise for the delay in these projects being progressed as timely as they were supposed to have been done. The new administration is keen to progress with the transport hub and to look at the other active travel measures associated with the city link road and the original funding from the Edgar Street Grid. I certainly don't intend to use any of that money for anything other than what it was intended for and I hope to stick to that.

Councillors' questions at Cabinet – 25 July 2019

Question 1

Councillor Roger Phillips, Arrow Ward

To: cabinet member, infrastructure and transport

The Lawton Crossroad is a significant accident black spot in north Herefordshire and Cllr Bowen and myself have been working with officers of the council, Balfour Beatty, local parish councils and communities to design a suitable measure to reduce the risk.

Can the Cabinet member give us the reassurance that the creation of this innovative roundabout solution will be undertaken in the present financial year?

Response

Yes, I am pleased to confirm that this scheme is part of the 2019/20 Annual Plan.



Meeting:	Cabinet
Meeting date:	Thursday 26 September 2019
Title of report:	Executive Response to the Climate Emergency
Report by:	Cabinet member environment, economy and skills

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To approve the cabinet's response to the climate emergency resolution that was unanimously supported at the meeting of full council on 8 March 2019.

To approve the cabinet's response to the zero carbon citizen's assembly resolution that was passed by council at the meeting of full council on 12 July 2019.

Recommendation(s)

That:

- (a) **The executive's response to the resolutions relating to the climate emergency passed by Council in March and July 2019 be agreed as detailed in Appendix 1.**

Alternative options

- There were a number of alternative options associated with the resolutions. These included the following:
 - Not to aspire to achieve carbon neutrality

Further information on the subject of this report is available from
 Ben Boswell, Geoff Perrott, Tel: 01432 261930, Tel: 01432 383543, email:
 bboswell@herefordshire.gov.uk, geoff.perrott@herefordshire.gov.uk

This is not recommended as the risk of not tackling climate change will have severe social, economic and environmental impacts. Additionally, achieving carbon neutrality will contribute to improvements in local air quality, enhancement of the natural environment and improved public health.

- Not to switch to renewable electricity and green gas supplies.
This is not recommended as switching to renewable energy supplies will significantly reduce the Council's carbon emissions. The estimated impact of switching both gas and electricity will improve the council's carbon reduction from 43% to approximately 63%.
 - To adopt a different carbon reduction target.
This is not recommended as the aspiration to achieve carbon neutrality by 2030 is based on the recommendations within the most recent special report by the Intergovernmental Panel on Climate Change (IPCC).
2. The actions proposed in this report will include exploration of other options to address the climate emergency as the process progresses.

Key considerations

Background

3. In 2011, the council published its first Carbon Management Plan (CMP) committing to reduce emissions from the Council's operations.
- This committed the council to a target reduction of its own CO₂ emissions of 30% by 2015/16 against a 2008/2009 baseline.
 - After the successful delivery of a 29.4% reduction in 2015/16, a second Carbon Management Plan was published in 2017, which committed the council to a stretch target of a 40% reduction by 2020/21.
4. In 2013, the council jointly developed and became a signatory for a countywide carbon reduction target.
- "Re-energising Herefordshire" committed Herefordshire to reduce countywide carbon emissions of 80% by 2050 against a 1990 baseline, which mirrored the targets within the Climate Change Act 2008.
 - Signatories of this countywide commitment included public sector organisations, business, local communities and environmental groups.
5. The most recent Intergovernmental Panel on Climate Change (IPCC) report clearly states the following:

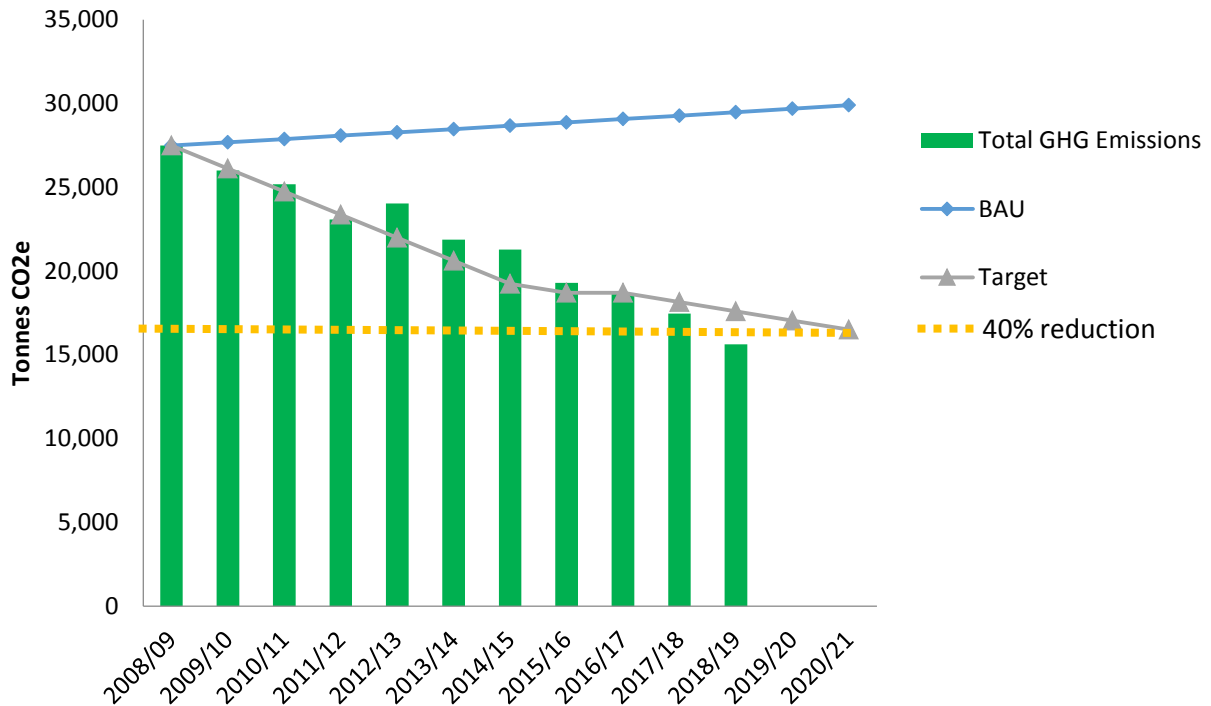
This Special Report also shows that recent trends in emissions and the level of international ambition indicated by nationally determined contributions, within the Paris Agreement, deviate from a track consistent with limiting warming to well below 2°C. Without increased and urgent mitigation ambition in the coming years, leading to a sharp decline in greenhouse gas emissions by 2030, global warming will surpass 1.5°C in the following decades, leading

to irreversible loss of the most fragile ecosystems, and crisis after crisis for the most vulnerable people and societies. (Source: IPCC, 2018: Global Warming of 1.5°C.)

6. The government plans to legislate to achieve net-zero emissions in the UK by 2050. Recently, the UK was also confirmed as the joint hosts of the next UN Climate Change Conference (COP26) in 2020.
7. At the meeting of full council on the 8th March 2019, the council declared a Climate Emergency and unanimously resolved to call on the executive to:
 - a. Commit to an accelerated reduction of its own carbon emissions, with the aspirations to be carbon neutral by 2030; and to change its energy supply to 100% renewable source;
 - b. Produce a successor to the current Carbon Management Plan (2019-2023) within the early months of the new council;
 - c. Work with partners to produce an action plan, covering all relevant council strategies, and to submit this plan via Scrutiny to Cabinet by the end of 2019;
 - d. Call upon our 'Re-Energise' partners to match or better the council's commitment; to publicise their response and to lead on working with the public to promote and encourage carbon reduction in all aspects of the county's life; and
 - e. Provide the necessary resource for officers to deliver on the council's carbon reduction commitments, and to monitor and report annually on the county position.
 - f. Arrange a full day interactive seminar for all councillors (as soon as possible) this year to be briefed on and discuss the options that might be open to Herefordshire Council to expedite its carbon footprint reduction aspiration and improve further the natural environment of Herefordshire
8. To date 94 local authorities (23%) of first and second tier councils in the UK have now declared a Climate Emergency, with 60 setting a target to become carbon neutral by 2030 or earlier. In addition, the LGA has established a 'Climate Emergency Network' as a dedicated special interest group.

Progress to date – Herefordshire Council Emission Reduction

9. The most recent carbon footprint report, published in August 2019, showed a tremendous reduction of a 43% reduction by the end of 2018/19. This performance exceeded the 40% reduction target two years early and has resulted in environmental improvements and significant financial savings.



10. In September 2019 the council switched its electricity supply to 100% renewable energy and is currently seeking quotations to switch its gas supply to renewable sources through our existing provider, West Mercia Energy.

- Estimated annual emissions savings from the switch to renewable electricity equates to 2,974 tonnes of CO₂e.
- The saving from switching to renewable gas would be an additional 2,448 tonnes of CO₂e. The combined saving is, therefore, 5,422 tonnes of CO₂e.
- If 5,422 tonnes of CO₂e was removed from our latest footprint (2018/19), the result would be a 62.9% reduction in emissions from our baseline year of 2008/09.
- If only renewable electricity is purchased (as per the current arrangement), the change (based on the 2018/19 footprint) would result in a reduction of 54% from the baseline year.

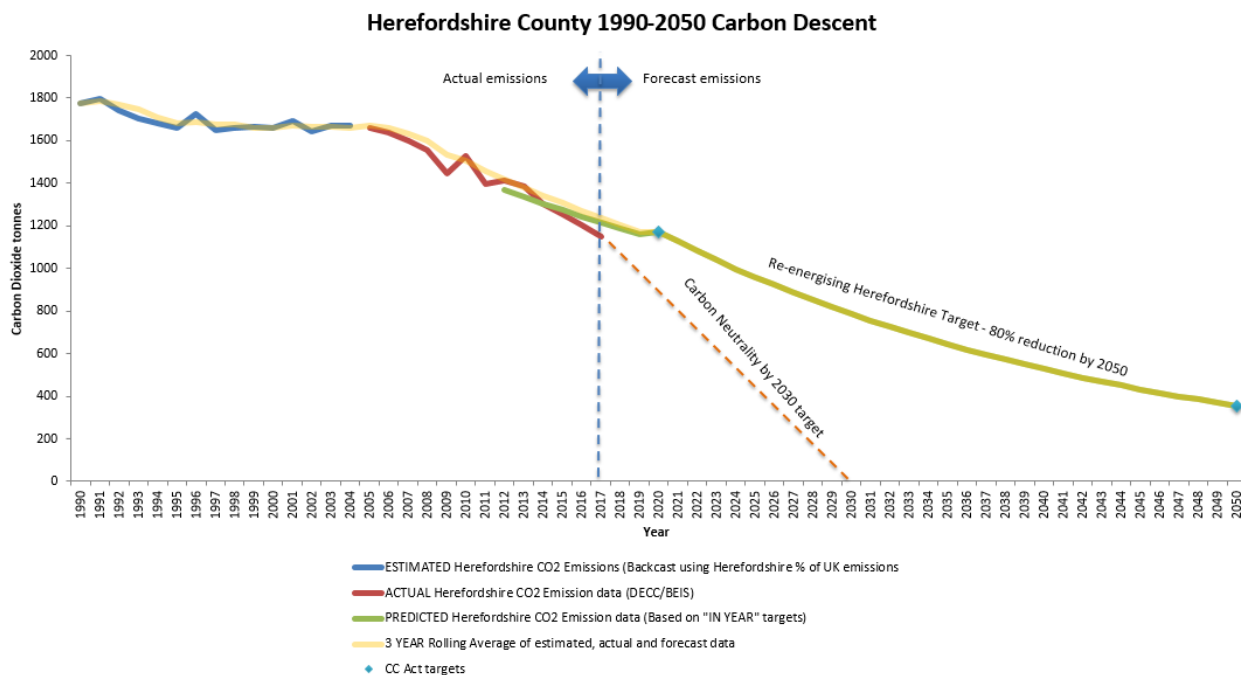
11. Through the delivery of existing and planned carbon reduction projects including additional renewable energy projects, energy efficiency improvements and cleaner and low carbon vehicles, the council anticipates further carbon reductions before the end of the Carbon Management Plan 2 period which ends in 2020/21.

Progress to date – Countywide Emission Reduction

12. The most recent dataset for 2017, published by the Department for Business, Energy & Industrial Strategy show significant reductions in Herefordshire’s countywide carbon emissions. Here the data has a two year lag due to the complexities of collating such a comprehensive data set.

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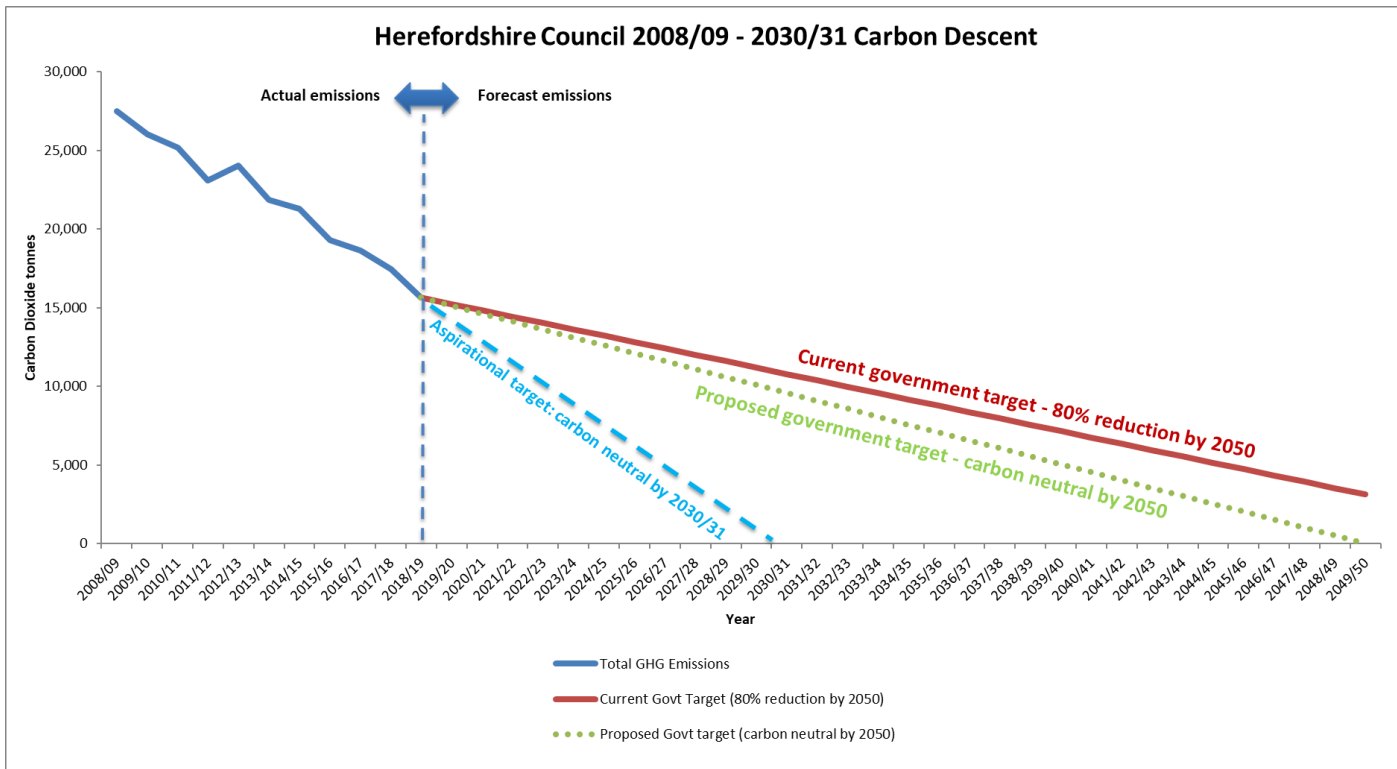
13. Against the 1990 baseline, this shows an overall reduction of 35.3% in countywide carbon emissions in 2017, which exceeds the 2017 interim target of 32.2% for the Re-energising Herefordshire target.



14. Due to the recent successes in a number of countywide carbon reduction projects such as the Business Energy Efficiency Programme, Keep Herefordshire Warm and Destination Hereford projects, in addition to the recent launches of the new Marches Renewable Energy project and Beryl Bikes in Hereford, further emission reductions are anticipated as the future data sets are published.
15. On 12th July 2019, the following subsequent motion was approved to encourage and facilitate public engagement in the council's transition to zero carbon:
- That this council asks the executive to conduct a citizens assembly on how Herefordshire can transition to zero carbon, timetabled to coordinate with the national citizens assembly on the same topic.

Proposed way forward

16. Following the climate motion in March, significant work is underway undertaking a best practice review to exploring new and emerging carbon reduction and invest to save opportunities to support and inform the development of the council's third Carbon Management Plan and for countywide carbon reduction.
17. In line with the two previous plans, it is recommended this updated Carbon Management Plan is developed to cover a five year window and that it outlines both interim annual targets and is accompanied by a comprehensive action plan. The below graph illustrates the ambition of the new carbon reduction target compared to progress to date and national targets.



18. In July, a members briefing session on climate change was undertaken and this will be followed up by a sustainable transport session and a full day interactive workshop in October.
19. An options appraisal is currently underway exploring different models for public engagement to further support the development of these plans. This appraisal will consider the options of a citizen's assembly, a citizen's jury, a citizen's panel and a local climate summit. The findings of this appraisal will be brought forward in a subsequent report to consider recommendations, timescales and resource implications.

Community impact

20. The resulting improvements in local air quality, improved public health and efficiencies from addressing the climate emergency will positively contribute towards the delivery of the council's corporate plan objectives of 'Securing better services, quality of life and value for money' and 'Enabling residents to live safe, healthy and independent lives.'
21. The development of the new carbon management plan and associated action plan will be developed to jointly contribute to the delivery of the council's wider strategic aims including the Health and Well-being strategy, Local Transport Plan, Air Quality Strategy, Economic Development Strategy and Accommodation strategy.
22. Additionally local leadership on carbon reduction will promote healthy lifestyles through local food choices, will support business diversification into low carbon good and services, and will encourage active travel choices and the transition to ultra-low emission vehicles.

Equality duty

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23. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
25. Not addressing carbon emissions will result in irreparable climate change, which will affect negatively impact all residents, the local economy and generations to come. By reducing local carbon emissions this will positively contribute towards improved local air quality and public health.

Resource implications

26. A full business case will be developed as part of the new carbon management action plan, which will consider both revenue and capital resource implications. This will be considered through the council's corporate budget planning process for 2020/21 and the development of the new corporate plan. The development of the new plan and options appraisals will be undertaken within existing resources and will help to inform future resources needs.
27. The current options appraisal for community engagement will consider the resource implications of each option.
28. Future project proposals will continue to be developed on an individual bases and business cases and capital bids will be considered on an invest to save basis.
29. The switch to renewable electricity (already in place) will cost additional £2,150 per annum. This is managed within existing budgets.
30. Due to limited availability, the additional cost of switching the council's gas supplies to renewable sources is currently estimated at £40,000 per annum. This will be monitored in partnership with West Mercia Energy and will be considered through the development of the carbon management plan and the council's budget planning process for 2020/21.

Legal implications

31. No legal issues arise from the response to the Climate Emergency Plan.
32. Implementation going forward may give way to procurement and other related considerations, which will be subject to further governance processes going forward.

Risk management

Risk / opportunity	Mitigation
Resources (risk) – In order to achieve the target, additional activity, projects and resources are likely to be required.	Building on the success of the previous two carbon management plans, a five year action plan will be developed to explore the resource requirements on an invest to save basis and will be brought forward in a subsequent decision report. The delivery of this commitment will be managed at service, directorate and corporate levels.
Reputation (both risk and opportunity) – There is a reputational risk of not adopting the proposed carbon reduction targets despite the unanimously supported motion at Full Council in March.	As a leading authority on successfully delivering a local carbon reduction, the council is well placed to build on and accelerate plans for local carbon reduction. The recommendations are to adopt the carbon neutrality targets and to develop robust plans to ensure the successful delivery of this commitment.

Consultees

33. None

Appendices

- Appendix 1 - Summary of executive responses to the Climate Emergency and Citizens Assembly motions to full council.

Background papers

- None

Appendix 1 - Summary of executive responses to the Climate Emergency and Citizens Assembly resolutions passed by full council.

	Proposals in resolutions	Executive response
	Resolution – Climate Emergency (08/06/19)	
1	Commit to an accelerated reduction of its own carbon emissions, with the aspirations to be carbon neutral by 2030;	<p>The executive commits to an accelerated reduction of the council’s own carbon emissions and the aspiration to become carbon neutral by 2030/31.</p> <p>The detail of how we deliver this commitment will be contained within an updated Carbon Management Plan and associated action plan to be developed by April 2020.</p> <p>The plans will cover the period 2020/21-2025/26 and will set out commitments and actions over that period.</p> <p>This will enable reporting on financial years in line with existing carbon reporting against the 2008/09 baseline.</p>
2	And to change its energy supply to 100% renewable source;	<p>The executive approves the policy approach of using 100% renewably sources energies where there is a business case that demonstrates that the investment provides the best carbon reduction return on investment.</p> <p>On the 1st September 2019 the council switched its electricity supply to 100% renewable energy at an annual additional cost of approximately £3k.</p> <p>As the additional cost of switching to renewably sourced gas is currently prohibitive due to limited availability and market volatility, this will continue to be monitored in partnership with West Mercia Energy (the council’s energy joint purchasing arrangement). The relative merits of the business case for investment in changing energy sources will be considered as part of the development of the carbon management plan.</p>
3	Produce a successor to the current Carbon Management Plan (2019-2023) within the early months of the new council;	<p>As outlined above in response 1.</p> <p>The proposed timetable is longer than the resolution requested as the timescale proposed is not practicable given the need to assess options and to consult in accordance with the principles of good decision making.</p> <p>The proposal to develop this by April 2020 will give sufficient time to develop a robust plan and to consider the resource requirements.</p>
4	Work with partners to produce an action plan, covering all relevant council strategies, and to	<p>The executive commits to develop a countywide carbon reduction plan although the timescale is unrealistic in order to effectively engage with partners, businesses and residents and for scrutiny to effectively engage in this important topic.</p>

	<p>submit this plan via Scrutiny to Cabinet by the end of 2019;</p>	<p>The council will work with strategic partners, residents and local organisations to develop a revised countywide CO2 reduction strategy aspiring for carbon neutrality by 2030.</p> <p>A further report will be brought forward by April 2020, exploring different engagement options including a citizens assembly, citizens jury, citizens panel, youth panel and a public summit and will explore the benefits and resource requirements of each.</p> <p>The executive will invite general scrutiny committee to consider building into their work programme and/or establishing a task and finish group to:</p> <ul style="list-style-type: none"> • review the draft carbon management plan; • review partners' plans and strategies to recommend how best to develop a joint countywide strategy • develop and propose a checklist of criteria for the development of new and review of existing council strategies to assess their suitability to deliver on carbon reduction.
5	<p>Call upon our 'Re-Energise' partners to match or better the council's commitment; to publicise their response and to lead on working with the public to promote and encourage carbon reduction in all aspects of the county's life; and</p>	<p>Please reference above recommendation.</p>
6	<p>Provide the necessary resource for officers to deliver on the council's carbon reduction commitments, and to monitor and report annually on the county position.</p>	<p>This will be considered as part of the council's budget and corporate planning process.</p> <p>The council currently monitors and reports its performance on carbon reduction annually and will include future reporting on countywide emissions, which is also monitored annually.</p>
7	<p>The council requests the executive to arrange a full day interactive seminar for all councillors (as soon as possible) this year to be briefed on and discuss</p>	<p>A members briefing session on climate change was held on 16th July and a full day interactive workshop is planned for 21 October.</p> <p>This is the start of an ongoing process of engagement to ensure that members are briefed on emerging local issues affecting the environment and able to participate in developing actions in response to those issues.</p>

	the options that might be open to Herefordshire Council to expedite its carbon footprint reduction aspiration and Improve further the natural environment of Herefordshire.	
Motion - Zero Carbon Citizens Assembly (12.07.19)		
8	That this Council asks the executive to conduct a citizens assembly on how Herefordshire can transition to zero carbon, timetabled to coordinate with the national citizens assembly on the same topic.	<p>Whilst the parliamentary select committees' intention, announced in June 2019, was to hold a national assembly over a number of weekends in the autumn/winter of 2019, no further detail on how these will operate, or the timing of them is yet available.</p> <p>The principle of enabling citizens to get involved in developing the county's response to the climate emergency is agreed. However, costs associated with a single 'assembly' event are not budgeted for, and there may be more effective ways of securing longer term citizen's involvement; the executive will explore how best to ensure that all citizens have the opportunity to get involved.</p> <p>In particular young people have already shown a high level of interest and commitment to change and we would want to explore ways in which their views can be heard.</p> <p>As outlined in response 4 options will be assessed and brought forward in a separate report.</p>



Meeting:	Cabinet
Meeting date:	26 September 2019
Title of report:	Youth Justice Plan 2019 - 2020
Report by:	Cabinet member children and families

Classification

Open

Decision type

Budget and policy framework

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in areas comprising of one or more wards in the county

Wards affected

(All Wards);

Purpose and summary

To review the draft Youth Justice Plan 2019/20 at appendix a, and agree for the plan to be considered by full council.

The Youth Justice Plan (the plan) forms part of the council's budget and policy framework and is reserved to full council to approve.

The plan is prepared on an annual basis on behalf of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire councils. The basic plan preparation is undertaken by the West Mercia Youth Justice Service according to the deadlines and content requirements set by the Youth Justice Board for England and Wales (YJB).

The 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.

Under section 40 of the Crime and Disorder Act 1998, each council has a duty to produce a 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 YJB.

The plan for 2019/20 was prepared in May 2019 in line with guidance issued by the YJB. The draft plan was agreed by the West Mercia Youth Justice Service Management Board on 24th May 2019.

Recommendation(s)

That:

- (a) The Youth Justice Plan 2019/20 (appendix a) be recommended for approval by full council.**

Alternative options

1. There are no alternative recommendations because it is a function of the cabinet to make reports or recommendations to the executive on matters within the budget and policy framework of the council.
2. The Youth Justice Plan is required to be produced on an annual basis and the draft has been approved by West Mercia Youth Justice Service management board; one alternative option would be to amend the contents of the plan prior to approval being sought by full council, however the practical implications of this would be that any amendments would need to be approved by the management board, as required by the Youth Justice Plan Guidance issued on behalf of the secretary of State by the Youth justice Board for England and Wales, and by the Councils of the three other Local Authorities in West Mercia.
3. The Youth Justice Plan be recommended to full council for approval but with recommendations for the management board to consider in preparing the Youth Justice Plan for 2020/21.
4. In addition the council could choose not to endorse the adoption of the youth justice plan 2019/2020; however, this is not recommended as it is a statutory requirement for the plan to be approved by full council; therefore there are no practical alternative options.

Key considerations

5. West Mercia Youth Justice Service is a multi-agency, multi-disciplinary service which delivers statutory youth justice services across West Mercia. Youth justice services are defined in the Crime and Disorder Act 1998, but in summary carry out joint decision making with Police for second and subsequent Youth Cautions and all Conditional Youth Cautions, provide reports and information to the Courts to aid remand and sentencing decisions, provide bail information and supervision, carry out case management of community sentences and manage and provide through care of young people receiving custodial sentences. The services are delivered from community based teams aligned to each of the four Local Authority areas. The Herefordshire team is based in Hereford.
6. The service is accountable to a management board comprising senior officers from each of the statutory youth justice partnership agencies. Herefordshire Council's management board representative is the Director for children and families.

7. The annual Youth Justice Plan sets out how the service is structured and resourced and outlines the 2019/20 improvement action plan for the service addressing the priorities agreed by the management board. A short review of 2018/19 and commentary on the service's performance against the national youth justice indicators is also provided along with some specific data on Herefordshire shown in appendix 4 of the plan and reproduced as an appendix of larger graphics (appendix 2) to this report .The key priorities for the two year period 2018/19 and 19/20 are:-

Priority 1: Our People

- 1.1 Promote in-service progression and ensure that appraisals are used effectively
- 1.2 Strengthen staff development programmes
- 1.3 Improve staff morale, motivation and encourage engagement

Priority 2: Our Partnerships

- 2.1 Improve multi-agency engagement at high risk and decision making meetings
- 2.2 Ensuring young people's mental health needs are met
- 2.3 Review and improve policy and practice in relation to out of court disposal decision making thereby contributing to a reduction in the number of first time entrants

Priority 3: Our Performance, Quality and Practice

- 3.1 Develop our quality assurance and performance framework in collaboration with our partners
- 3.2 Ensure adequate interface with Children Services information systems
- 3.3 Develop our practice and encourage innovation

Priority 4: Our Governance

- 4.1 Communicate our vision and priorities to our staff, partners and stakeholders
- 4.2 Develop Board Member links to WMYJS to support service development and improve engagement with staff and service users
- 4.3 Anticipate and mitigate future risks to the long term delivery of our vision

Actions addressing each of the priorities are also included in the delivery plan on page 9 of the plan.

8. The Youth Justice Service is subject to three national indicators. Performance against the indicators is outlined in the plan and actions identified to address the risks to performance improvement. The Herefordshire specific information is set out on pages 14 to 16 of the plan.

9. First time entrants. There were 52 in the year October 2017 to September 2018, which is a decrease of 31 from previous year when there were 85 first time entrants. This is out of 16,101 young people aged 10-17 in Herefordshire and represents less than one third of one percent of this group, approximately one in every 300. The actual numbers are therefore very small. The general trend in Herefordshire has been downward since 2012.
10. For the purposes of the youth justice service the indicator is expressed as the number of first time entrants to the youth justice per 100,000 youth population. This rate was 338 for Herefordshire in the year October 2017 to September 2018, continuing a year on year reduction that sees the current rate statistically significantly lower than in 2012. The Herefordshire rate is higher than the rate for West Mercia, 294 and for England 255. Given the small numbers and expression as a rate, the comparison with West Mercia is not statistically significant, but the comparison with the rate for England is.
11. The reasons for the higher than expected rates of first time entrants in West Mercia is not fully understood, and given the very small actual numbers it is difficult to draw conclusions from individual years. HMI Probation judged that the joint decision process for out of court disposal in West Mercia is the main driver. Out of court disposals are a method of resolving offences without prosecution before the court, and include the informal disposal of community resolution and the formal Police sanctions of Youth Cautions and Youth Conditional Cautions. A revised model of joint decision making to address this issue was agreed in 2018/19 and is being implemented in 2019/20 with implementation in Herefordshire being in advance of the other 3 local authority areas.
12. The second indicator is about the use of custody, which is measured as the number of custodial sentences per 1,000 youth population. The use of custody performance for 2018 was 0.06, the same as in 2017, and is better than for West Mercia, 0.07 and England 0.32. However, due to the small numbers involved (one custodial sentence in Herefordshire in 2018), none of these differences are statistically significant.
13. The third indicator is re-offending. There are two measures which both measure re-offending in the same cohort of offenders over a 12 month period following the youth justice sanction that placed that young person in the cohort. The first, the frequency rate, is the average number of re-offences per offender who re-offends. The second measure is the proportion (%) of the cohort who re-offended. Due to the way the Ministry of Justice measure this indicator there is a delay in the results being published. The most recent data available for the preparation of the plan was for the cohort identified between April 2016 and March 2017, whose re-offending was tracked for 12 month period until March 2018.
14. The frequency measure for Herefordshire for this period was 3.38 offences per re-offender compared to the West Mercia and England performance of 3.23 and 3.90 respectively. The proportion of the cohort re-offending was 41.0%, not significantly different to the national rate of 40.6%. The performance range nationally for the frequency measure is 2.30 to 6.67 and the binary measure 20.2% to 63.3% placing Herefordshire in top quartile of the national performance range for the frequency measure and the second to top quartile of national performance range for the binary measure. At the Council Meeting in October 2018, it was asked if information could be provided on re-offending in the cross over period between youth offending and the early years of adulthood. Unfortunately the Youth Justice Service does not have access to data on young adult offenders and is unable to provide the analysis requested. The Head of the Youth Justice Service is investigating whether the Community Safety Partnership analysts have access to data to be able to provide the information requested. During 2018/19 the service took part in research commissioned by the West Midlands Combined Authority to identify the prevalence of adverse childhood experiences (ACEs) in young people in the youth justice system. There is a growing

evidence base suggesting that young people who have experienced ACEs need to have those issues addressed before any work to prevent re-offending is likely to be effective. The service, therefore, is planning to implement trauma informed practice during 2019/10

Community impact

15. In accordance with the adopted code of governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining, the right mix of these is an important strategic choice to make sure outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources whilst still enabling efficient and effective operations and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
16. The principal aim of the youth justice system is the prevention of offending and re-offending by children and young people. The plan sets out an action plan to address the significant risks identified.
17. The plan directly supports two Herefordshire Council corporate priorities;

Enable residents to live safe, healthy and independent lives and to keep children and young people safe and give them a great start in life.
18. The plan supports the council's corporate plan priorities to keep children and young people safe and give them a great start in life; and enable residents to live safe healthy and independent lives. In addition the plan supports priority two of the council's Health and Wellbeing Strategy, in working to reduce offending, anti-social behaviour and re-offending by young people.
19. Reducing the number of first time entrants and the number of repeat young offenders in the youth justice system has been adopted as a key priority area in the Herefordshire Community Safety Partnership strategy for 2017/20 and the Youth Justice Plan directly supports this priority.

Equality duty

20. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
21. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are

Further information on the subject of this report is available from
Keith Barham, West Mercia Youth Justice Service (YJS) Tel 01905 732200 or
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paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

22. The plan will support the council in its overall duty to promote equality. In particular, the plan makes proposals to improve the outcomes of children and young people who are in conflict with the law, by ensuring their individual needs are assessed and assisting them in accessing services that meet their needs.

Resource implications

23. The council's 2019/20 financial contribution to YOS is £189,576. This is budgeted for in the Medium Term Financial Strategy (MTFS) and is sufficient to deliver the youth justice plan.

Legal implications

24. This is a budget and policy framework item, which is recommended from cabinet to full Council in line with the Part 3, section 3 of the council's constitution.
25. The council has a statutory duty, as set out under section 40 of the Crime and Disorder Act 1998, to formalise and implement for each year a Youth Justice Plan, following consultation with the relevant persons (police, probation and health services) as set out in section 38(2) of the Act. The plan must set out how youth justice services in the local council area are to be provided and funded; and how the youth offending team established by the local council are composed, funded, how they are operated and what functions they are to carry out. Plans must be submitted to the Youth Justice Board for England and Wales in a form and by a date set by the Secretary of State.
26. The plan appended to this report, have been submitted to the Youth Justice Board, and meets this statutory duty.

Risk management

27. The risks are identified in the plan, together with the actions to mitigate them.

Consultees

28. The draft plan was considered by the children and young people scrutiny committee at its meeting on 16 September 2019. They made no recommendations to the executive and recommended that the youth justice plan to progress to cabinet.

Appendices

Appendix 1 – West Mercia Youth Justice Plan 2019/20

Appendix 2 Youth Justice Plan 2019/20 Herefordshire larger graphs

Background papers

None identified

Further information on the subject of this report is available from
Keith Barham, West Mercia Youth Justice Service (YJS) Tel 01905 732200 or
Chris Baird, Director for Children and Families. Tel: 01432 260264, email: cbaird@herefordshire.gov.uk



WEST MERCIA YOUTH JUSTICE PARTNERSHIP



YOUTH JUSTICE PLAN



2019/20



Preface

Under the Crime and Disorder Act 1998 (the Act) youth offending partnerships have a statutory duty to produce an annual youth justice plan which is submitted to the Youth Justice Board for England and Wales in accordance with the directions of the Secretary of State. The purpose of the plan is to outline how statutory youth justice services, as defined in the Act, are structured, funded and delivered in the area.

All statutory youth justice services within West Mercia are delivered directly or commissioned by West Mercia Youth Justice Service.

This plan outlines the vision and priorities for West Mercia Youth Justice Service and outlines key actions to be undertaken during 2019/20.

The content and format of the plan has been informed by and prepared in accordance with the guidance within in “Youth Justice Plans: YJB Practice Note for Youth Justice Partnerships” issued on behalf of the Secretary of State by the Youth Justice Board for England and Wales in May 2019.

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1.0 Introduction



West Mercia Youth Justice Service (WMYJS) is a partnership between the Local Authorities, National Probation Service, West Mercia Police, NHS organisations across West Mercia and the Office for the West Mercia Police and Crime Commissioner. The service is accountable to the WMYJS Management Board, comprised of senior officers from each partner agency. The service is hosted, on behalf of the Local Authorities and the partnership by the Office of the West Mercia Police and Crime Commissioner (OPCC).

During 2018/19 the Management Board agreed a service vision and set of underlying principles. These are outlined in section 3.1 of this plan.

We adopted priorities for a two year period starting in 2018/19, so these remain the same for 2019/20. The priorities are a result of joint management board and management team workshops and were informed by a range of information and significantly the learning from a pilot inspection undertaken at the end of 17/18 which was reported on in the 2018/19 Youth Justice Plan. The priorities are based on the four themes of;

Our People
Our Partnerships
Our Performance, Quality and Practice; and
Our Governance

Service performance against the three national outcome indicators has improved over the past year. The performance in relation to the rate of young people receiving a custodial sentence has improved between 2017 and 2018 from 0.17 to 0.05 custodial sentences per 1,000 youth population, and this rate is significantly below the national rate of 0.32. The proportion of young people re-offending (cohort identified in 2016/17) is 33.4% which is significantly lower than the national rate at 40.6%, and an improvement on the previous year when it was at 34.0%. The average number of re-offences per re-offender for the same cohort was 3.23, which is lower than the national rate of 3.90, and an improvement on the previous year when it was 4.38

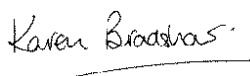
The first time entrant (FTE) rate for the period Oct 2017 to Sep 2018 is at 294 FTE per 100,000 youth population and represents a major improvement on the previous year when it was at 408, however the West Mercia rate continues to be higher than the national rate which is 250 for the same period. The Management Board agreed a revised pre-court joint decision framework during 2018/19 which will be implemented across the local policing areas during 19/20, and this should contribute to reducing the FTE rate further.

The service and management board recognise that we do not work in isolation in reducing offending by children and young people and improving the outcomes for children and young people who have entered or at risk of entering the youth justice system. The board are committed to promoting better joint work between the service and other agencies at a local level, and this will particularly be the case in tackling the emerging and growing issue of criminal exploitation and county lines type activity.

1.1 Approval of the Plan

This plan was approved at the West Mercia Youth Justice Service Management Board held on 24th May 2019.

Signed:



Date: 24th May 2019

Karen Bradshaw

Chair – West Mercia Youth Justice Service Management Board

2.0 Review of 2018/19

2.1 Service Delivery Arrangements

There have been no significant changes to the governance or service delivery arrangements during 2018/19. An additional team manager post was established during the year. The post has a lead responsibility for performance and quality improvement and the successful applicant came into post during quarter 3 of the year.

2.2 Review of Key Developments

The Management Board agreed four main priorities and a delivery plan for the two year period 2018 to 2020. During 18/19 the following were achieved:-

- A service vision and underlying principles were agreed
- The staff appraisal systems was re-established and appraisals undertaken
- A staff survey was undertaken
- A process for monitoring other agencies engagement in high risk panel meetings was established
- Mental health training was provided for practitioners
- A system for flagging YJS involvement in cases was implemented by West Mercia Police
- Work was initiated to give youth justice practitioners access to social care information systems
- Research on the prevalence of adverse childhood experiences and trauma in a cohort of young people in the youth justice system was completed
- The identification of named management board members to lead on the implementation of the new National Standards for Youth Justice.

2.3 Responses to inspections

The service was not subject to a single agency inspection during 2018/19. The service was part of a Joint Targeted Area Inspection in Shropshire on the theme of child sexual abuse in the family context.

Improvement actions for WMYJS include; providing access to the youth justice service information for the Children Services front door, better co-ordinating the provision of substance misuse interventions for young people in the youth justice system between the community drug and alcohol service and WMYJS and ensuring consent is obtained, where possible, when making referrals to the front door. There is a multi-agency improvement plan in place.

The Management Board considered the thematic inspection “Out of court disposal work in youth offending teams” in May 2018. A new framework for joint decision making for out of court disposals is being implemented in first part of 19/20 and the recommendations and findings of the thematic inspection are informing this practice development.

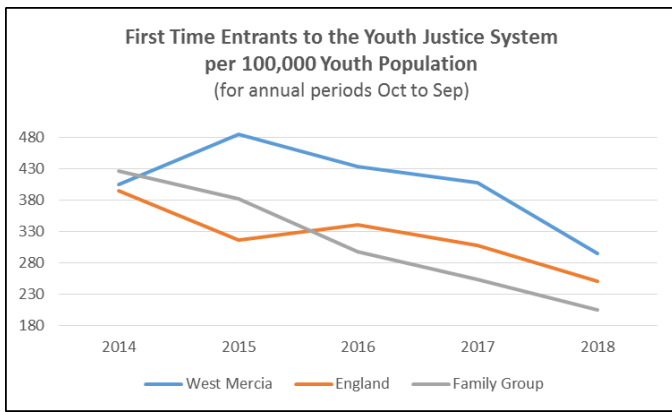
2.4 Performance

The Youth Justice Service is subject to three national outcome indicators

(i) First Time Entrants

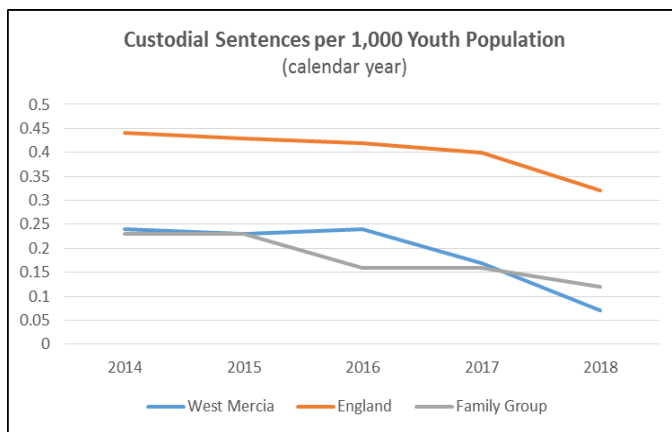
This measure is expressed as the number of first time entrants (young people receiving their first formal youth justice sanction, either a caution or conviction) per 100,000 youth population within a 12 month period. The lower the number the better the performance.

The most recent published data is for the year Oct 2017 to Sep 2018, where the West Mercia performance was 294, compared to a national performance of 250 and statistical neighbour performance of 205. Although the West Mercia rate remains higher than both the statistical neighbour and national rate, the gap between both the West Mercia rate and the other two rates has been reducing since 2017. The range of rates nationally is from 63 to 573, placing the West Mercia performance in the second to top quartile of the performance range.



Although the rate has been reducing since 2015, the service recognises that that the rate is higher than might be expected and also accepts that the out of court disposal decision joint decision arrangements in West Mercia, although meeting statutory requires, is a contributory factor. A new joint decision making framework was agreed during 2018/19, with implementation due early in 2019/20.

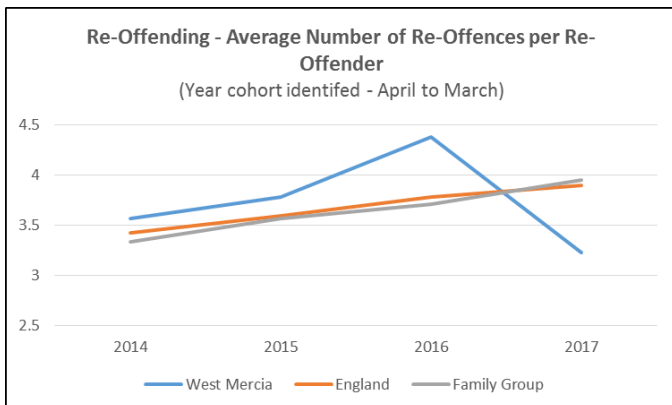
(i) Use of Custody



The use is custody indicator is expressed as the number of custodial sentences per 1,000 youth population within a 12 month period. The lower the rate the better the performance.

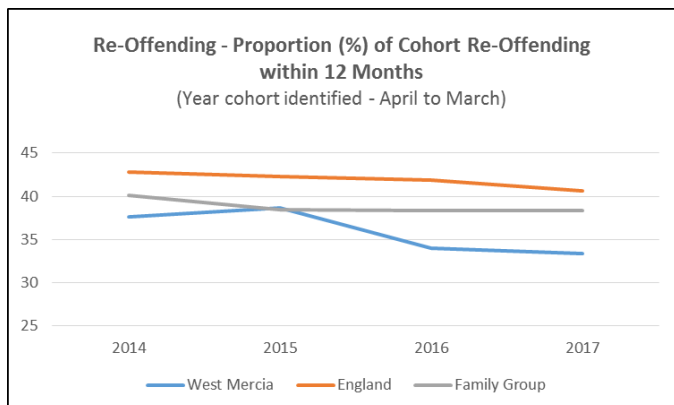
The most recently published data for this indicator is for the calendar year 2018, where the West Mercia rate was 0.07¹, which compares favourably against the national rate, 0.32 and the statistical neighbour rate of 0.12. The rate has been decreasing since 2016, following three years of stability. The range of rate nationally is between 0.00 and 1.44 placing the West Mercia performance in the top quartile of the performance range.

(ii) Re-Offending



There are two measures for the re-offending indicator, both for the same cohort of offenders (all young people receiving a formal justice system disposal (caution or conviction) within a specified period of time). The cohort is then tracked for any re-offending within 12 months, the first measure (frequency measure) is the average number of re-offences per re-offender, the second measure (binary measure) is the proportion of the cohort re-offending. For both measures a lower figure denotes better performance.

¹ Although the YJB published rate is 0.07, there is an error in the data held nationally and rate is actually 0.05, a total of 6 custodial sentences.



The most recently published data for this indicator is for the cohort identified April 2016 to March 2017.

The frequency measure for West Mercia is 3.23, which compares favourably against the national rate of 3.90 and statistical neighbour rate of 3.95. The range of rates nationally is from 2.30 to 6.67, placing the West Mercia in the top quartile of the performance range.

The binary measure for West Mercia is 33.4%, which compares favourably against the national rate of 40.6% and the statistical neighbour rate of 38.3%. The range of rates nationally is from 20.2% to 63.3% placing West Mercia in the second to top quartile of the performance range.

2.5 Service User Feedback

During 2018/19 the service has used an internet based survey, Viewpoint, to capture service user feedback. Responses to some key questions from the 42 surveys completed during the first three quarters of 18/19 are outlined below:-

- 35/37 (95%) young people said that the YOT took their views seriously
- 35/35 (100%) rated the service provided to them as good or very good
- 34/35 (97%) reported being fairly treated by the service
- 25/26 (96%) young people who responded to the question said they got the help they needed to stop offending and 24/26 (92%) to make better decisions.
- 31/35 (89%) said they now knew what things were more likely to make them offend and all 31 said they realised that change was possible.
- 29/35 (83%) reported being a lot less likely to offend and 4 said they were a bit less likely

In terms of improvements to the Youth Justice Service (YJS), most young people were unable to identify anything although two thought that the upper age for YJS services should be increased and one thought there should be more reparation options for girls.

3.0 Youth Justice Plan 2019/20 and Risks to Future delivery against the National Outcome Measures

3.1 Vision and underlying principles

During 2019/20 the West Mercia Youth Justice Service Management Board agreed a vision statement and underpinning principles for the service following a joint workshop with the service's management team and a staff consultation.

Vision:

Together, preventing offending and improving lives

Underlying Principles:

- *Ensure that we secure best practice, innovation and outstanding quality in all we do*
- *Reducing demand by preventing offending and effectively managing the risks posed by those who have offended*
- *Offer the best value for money by combining resources*
- *Work with victims and communities to repair harm from offending*
- *Recognising the capacity of young people to grow and develop with the right support*
- *Listen to young people's and victim's opinions and use them to shape what we do*
- *Building resilience within families and local communities*
- *Recognise the important role families play in preventing young people from getting involved in crime*
- *Grow and sustain a positive and stable workforce*

3.2 Priorities 2019/20

Service priorities were agreed for the two year period 18/19 and 19/20. The priorities were informed by the service needs assessment and a pilot inspection of the service undertaken in March 2018, which was reported on in the 2018/19 Youth Justice Plan. The delivery plan supporting the priorities is in section 3.5 of this plan.

Priority 1: **Our People**

- 1.1 Promote in-service progression and ensure that appraisals are used effectively
- 1.2 Strengthen staff development programmes
- 1.3 Improve staff morale, motivation and encourage engagement

Priority 2: **Our Partnerships**

- 2.1 Improve multi-agency engagement at high risk and decision making meetings
- 2.2 Ensuring young people's mental health needs are met
- 2.3 Review and improve policy and practice in relation to out of court disposal decision making thereby contributing to a reduction in the number of first time entrants

Priority 3: **Our Performance, Quality and Practice**

- 3.1 Develop our quality assurance and performance framework in collaboration with our partners
- 3.2 Ensure adequate interface with Children Services information systems
- 3.3 Develop our practice and encourage innovation

Priority 4: **Our Governance**

- 4.1 Communicate our vision and priorities to our staff, partners and stakeholders
- 4.2 Develop Board Member links to WMYJS to support service development and improve engagement with staff and service users
- 4.3 Anticipate and mitigate future risks to the long term delivery of our vision

3.3 Safeguarding

Safeguarding remains a key area of focus for the service. WMYJS has a key role in safeguarding young people, in terms of assessing and reducing the risk of harm to young people either from their own behaviour or the actions of others and reducing the risk of harm they may pose to others. The service continues to be active members of the children safeguarding partnership arrangements in each of the local authorities and there is a S11 action plan in place.

County line type activity has been identified as an emerging and growing issue across West Mercia and the service will, through the developing pre-court joint decision making arrangements, seek to avoid the criminalisation of young people on the edges of this activity. The service will work as part of the child exploitation strategy and operation groups and the Serious Organised Crime Joint Agency Groups (SOCJAG) to address the issues of county lines type activity, organised crime group and gang activities. Serious violent crime is not a significant issue in West Mercia currently, however we recognise that this may become an emerging issue associated with serious organised crime and the service will, as a result, be developing weapon crime programmes.

3.4 Integrated and Joint Working

The service will continue to seek opportunities for developing further the integrated and joint working arrangements with other agencies who are delivering services to young people in or at risk of entering the youth justice system.

3.5 Risks to the Future Delivery against the National Outcome Measures

The current performance against the national outcome measures are contained in section 2.4 of this plan. As the section notes although the FTE rate is higher than the national rate, the most recent performance is an improvement on the previous year. Locally services to prevent young people from becoming involved in criminal activity is within the early help strategies within each local authority area. Through the planned new out of court disposal joint decision making arrangements being implemented in 2019/20 the service and Police will seek to divert young people from formal justice system disposals through the use of informal responses to their behaviour. A child first approach will be used to inform all work of WMYJS, but particularly in respect of young people at the pre-court stage of the system.

The rate of custodial sentences remains very low, at 0.07 per 1,000 population. Re-offending performance has historically been volatile but has fallen over the past three years to 33.4%. The delivery plan at section 3.5 of this plan outlines actions which will mitigate the risks against future delivery of the outcome measures, the table below summarises key actions for each outcome measure.

Outcome Measure	Performance Indicator	Risk	Key Mitigating Actions
First Time Entrants	The number of first time entrants to the youth justice system per 100,000 youth population	The current out of court disposal joint decision making process is the cause for the higher than might be expected rate of FTEs	Implementation of the agreed new joint decision making arrangements across the 5 local policing areas.
Custody	The number of custodial sentences per 1,000 youth population	Absence of a remand management strategy may lead to an increase in young people being remanded	Development of a remand management strategy
Re-Offending	(i) The average number of re-offences per re-offender (ii) The proportion of offenders (%) re-offending within 12 months	Interventions not fully supporting desistance factors	Further developing and embedding trauma informed practice Implementation of AIM3 for young people demonstrating harmful sexual behaviour Senior Practitioners leading on improving and developing key areas of practice

3.6 Delivery Plan 2019/20

Priority Area	OUR PEOPLE		
Sub Priority	Promote in-service progression and ensure that appraisals are used effectively	Strengthen Staff Development Programmes	Improve staff morale, motivation and encourage engagement
Planned Actions	1.1.1 Agree a revised appraisal process for 19/20 to ensure it is more suitable to needs of service 1.1.2 All appraisals completed within Q1/Q2 1.1.3 Confirm if able to access Police apprenticeship levy 1.1.4 Annual report on appraisal outcomes	1.2.1 Complete work on a staff learning and development framework 1.2.2 Confirm and formalise access to Local Authority training 1.2.3 Identified joint training plan LA/YJS 1.2.4 Agree training plan for 19/20	1.3.1 Deliver a staff conference including staff awards 1.3.2 Establish staff engagement group 1.3.3 Use staff survey responses to develop action plan 1.3.4 Develop staff recognition scheme
Impact	Proportion of appraisals completed Proportion of appraisal objectives met Improved proportion of positive responses to relevant questions in the staff survey		
Priority Area	OUR PARTNERSHIPS		
Sub Priority	Improve multi-agency engagement at high risk and decision making meetings	Ensuring young people's mental health needs are met	Review and improve policy and practice in relation to out of court disposal decision making thereby contributing to a reduction in the number of first time entrants
Planned Actions	2.1.1 Regular monitoring by the management board of agency attendance at HRPs 2.1.2 Implement a framework for assurance reporting from partners to evidence how they are actively supporting WMYJS priorities	2.2.1 Agree common core role for MH workers 2.2.2 Refresh WMYJS/CAMHS protocols in each area 2.2.3 Develop links with L&D in each area	2.3.1 Implement the agreed joint decision framework in each LPA 2.3.2 Revise and implement the OoCD assessment tool 2.3.3 Agree a joint pre-court decision making protocol with West Mercia Police
Impact	Increase in proportion of attendance/reports from other agencies to HRP Sustained or improved positive responses to relevant questions in service users feedback Reduction in FTE rate		
Priority Area	OUR PERFORMANCE AND PRACTICE		
Sub Priority	Develop our quality assurance and performance framework in collaboration with our partners	Ensure adequate interface with Children Services information systems	Develop our practice and encourage innovation
Planned Actions	3.1.1 Develop and implement a new performance and quality assurance framework 3.1.2 Review of Asset+ QA tool 3.1.3 Undertake National Standards readiness self assessment 3.1.4 Inspection standards self assessment	3.2.1 Implement access to ChSC systems for YJS practitioners, supported by access agreements 3.2.2 Implement access for ChSC front door/MASH to CV, supported by access agreements	3.3.1 Agree and implement role of SPs in practice development 3.3.2 Develop specification for support required to further implement and embed a trauma informed approach to practice 3.3.3 Review remand strategy 3.3.4 Develop revised resettlement framework 3.3.5 Implement AIM 3 arrangements
Impact	Sustain/improve asset plus quality Sustain/improve compliance to scaled approach requirements Reduction in re-offending Sustain or improved use of custody rate		
Priority Area	OUR GOVERNANCE		
Sub Priority	Communicate our vision and priorities to our staff, partners and stakeholders	Develop Board Member links to WMYJS to support service development and improve engagement with staff and service users	Anticipate and mitigate future risks to the long term delivery of our vision
Planned Actions	4.1.1 Development and implementation of a service communication plan 4.1.2 Develop and implement WMYJS website 4.1.3 Management board to implement a programme of assurance reporting	4.2.1 Identify MB lead for each National Standard area 4.2.2 Agree & implement process of MB member engagement in National Standards self assessment 4.2.3 Agree role of MB members in oversight of practice within QA framework	4.3.1 Review WMYJS Board membership and the supporting governance framework for the partnership
Impact	Improved proportion of positive responses to relevant questions in the staff survey Management board is assured that the needs of young people in or at risk of entering the youth justice system are met		

Appendix 1

West Mercia Youth Justice Service - Resources 2019/20

Income

The Youth Offending Service has a complex budget structure comprising of partner agency cash, seconded staff and in kind contributions and the Youth Justice (YOT) Grant from the Youth Justice Board for England and Wales. The table below outlines the agreed contributions for 2019/20.

Agency	Staffing Costs – Secondees (£)	Payments in kind (£)	Other Delegated Funds (3)	Total
Local Authorities ²			1,179,999	1,179,999
Police Service	237,892		63,000	300,892
National Probation Service	63,033		10,000	73,033
Health	129,860		36,894	166,754
Police and Crime Commissioner			180,293	180,293
YJB – Youth Justice Grant			1,184,541	1,184,541
Other (movement from reserves)			16,261	16,261
Total	430,789		2,670,988	3,101,773

The Attendance Centres grant, £50,043, is included in the total for the YJB Youth Justice Grant in the table above. Additional staff have been recruited to the Attendance Centres in 18/19, and consideration is being given to how the work might be expanded to support the out of court disposal developments being implemented during 2019/20

The YJB Youth Justice (YOT) Grant

The YJB Youth Justice (YOT) Grant is provided for the provision of youth justice services with an aim of achieving the following outcomes; reducing re-offending, reducing first time entrants, reducing the use of custody, effective public protection and effective safeguarding. The grant will form part of the overall pooled partnership budget for WMYJS, which is used to deliver and support youth justice services across West Mercia. The outline draft budget for 2019/20 is provided below; the expenditure against the Youth Justice Grant is included in this budget.

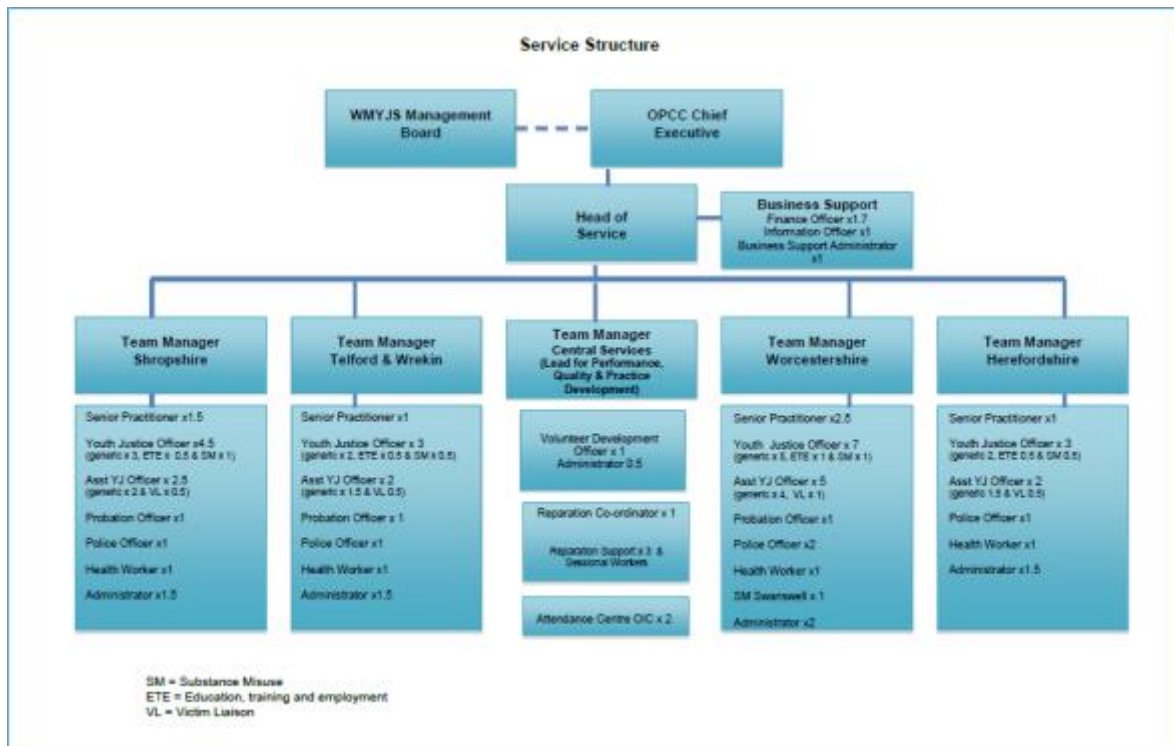
Category	Budget (£)
Employee Costs	2,058,977
Other Employee Costs	31,200
Premises	163,295
Supplies and Services	61,710
ICT	99,060
Third Party Payments	169,696
Transport	87,050
TOTAL	2,670,988

² 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.

Appendix 2

West Mercia Youth Justice Service - Structure and Staffing Information

The West Mercia Youth Justice Service comprises four multi-agency service delivery teams, aligned to the Local Authority areas to deliver the majority of services. The reparation service and volunteer services are co-ordinated centrally across the whole service, as are the finance and data and information functions.



WMYJS is compliant with the minimum staffing requirements outlined in the Crime and Disorder Act 1998, as can be seen from the structural diagram above. There are three HCPC registered Social Workers within the staffing group.

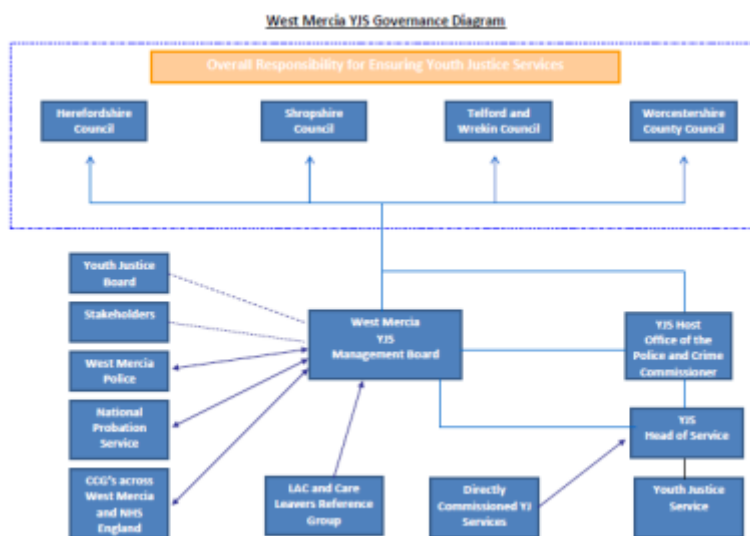
Appendix 3

West Mercia Youth Justice Service -Governance and Partnership Information

Governance

WMYJS is managed on behalf of the Local Authorities and the WMYJS partnership by the Office of the West Mercia Police and Crime Commissioner (OPCC). Day to day management of the Head of Service is provided by jointly the Chief Executive of the OPCC and the Chair of the Management Board (DCS Shropshire). The Youth Justice Service is accountable to the WMYJS Management Board and the Management Board is accountable to each of the Local Authorities for the commissioning and delivery of youth justice services.

The partnership Youth Justice Plan is approved by the Management Board and by each of the four top tier Councils. The diagram below outlines the governance arrangements of West Mercia Youth Justice Service.



The Youth Justice Service Management Board is currently chaired by the Director of Children Services for Shropshire Council. The Membership of the Board at 1st April 2019 is outlined in the table below:

Agency	Representative	Role
Worcestershire County Council	Catherine Driscoll	Director of Children, Families and Communities
Shropshire Council	Karen Bradshaw	Director of Children Services
Telford and Wrekin Council	Clive Jones	Director of Children, Family and Adult Services
Herefordshire Council	Chris Baird	Director of Children and Families
National Probation Service	Jackie Stevenson	Head of West Mercia
West Mercia Police	Dawn Hartland	Head of Criminal Justice
West Mercia Clinical Commissioning Groups	Dawn Clarke	Director of Nursing, Quality and Patient Experience, Shropshire CCG
Office for the West Mercia PCC	Andy Champness	Chief Executive

The Management Board meets every two months and monitors the performance and quality of the service through regular reporting. Where necessary the Management Board will monitor compliance with the YJB Grant conditions through exception reports.

The Management Board has considered a number of thematic deep dives and practice presentations, the purpose of which is to identify any issues, in particular with regards to provision of services and multi-agency working, and agree actions for the Management Board or individual board members in order to improve services for young people in the youth justice system.

The Management Board has a process in place to ensure that cases that would have previously been notified to the YJB under the Community Safeguarding and Public Protection Incident Review process are now reported into the Management Board, and where appropriate learning reviews undertaken. This will be reviewed to investigate if other types of cases should also be included in this reporting process as part of the governance review scheduled for 2019/20.

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

Partnerships

The Youth Justice 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.

WMYJS is a member of the four Safeguarding Children Boards and several of the board's sub groups and the Children's Trusts or equivalent partnerships and the early help strategic groups. WMYJS intends to participate in the new and developing safeguarding partnership arrangements in each of the four areas.

WMYJS is represented on the Crime and Disorder reduction partnerships at the unitary or top tier authority level. WMYJS is an active member of the West Mercia Criminal Justice Board, the West Mercia Crime Reduction Board, the West Mercia Victim and Witness Board and the MAPPA Strategic Management Board.

WMYJS is represented on the Channel Panels across West Mercia established as part of the Prevent strategy. WMYJS staff have undertaken WRAP training in 2018/19. The service are participant members of the area reducing re-offending groups and the Serious and Organised Crime Joint Agency Groups.

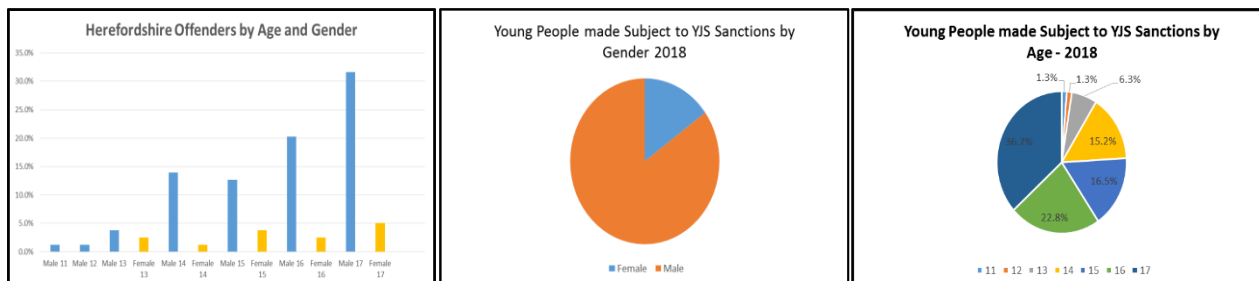
WMYJS will be developing strategic and operational links with the Liaison and Diversion schemes currently being implemented across the West Mercia area.

Appendix 4

Herefordshire Local Information

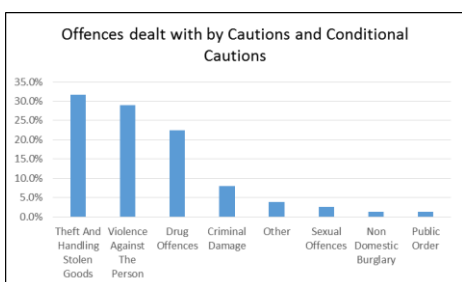
Youth Offending Population Overview

There are 16,434 young people aged 10 to 17 years in Herefordshire. According to WMYJS records there were 98 formal justice system sanctions³ (cautions and convictions) made on Herefordshire young people during 2018. A total of 79 individual young people accounted for the 98 outcomes, 0.48% of youth population.



Of the 79 young people receiving youth justice sanctions in 2018, 67 (85%) were male. The majority, 76% were aged 15 years or more, with 17 year olds accounting for just over a third (36%) of all young people receiving a youth justice sanction. There is little difference in the peak age between the two genders, with 37% of sanctions received by young males being for 17 year olds and 33% of sanctions made on young females being for 17 year olds.

Youth Offending Population for Out of Court Disposals



Out of court disposals are a method of resolving offences without prosecution before the court, and include the formal Police sanctions of Youth Cautions (YC) and Youth Conditional Cautions (YCC). In 2018, according to WMYJS records, there were 61 YCs or YCCs issued for 55 individual young people for a total of 76 offences, ten of these outcomes were supported by an intervention from WMYJS.

The most commonly occurring offence was theft and handling stolen good (32%), followed by violence against the person (29%) and drug offences (22%). These three offence types accounting for 83% of all offences dealt with by cautioning.

Youth Offending Population for Court Disposals



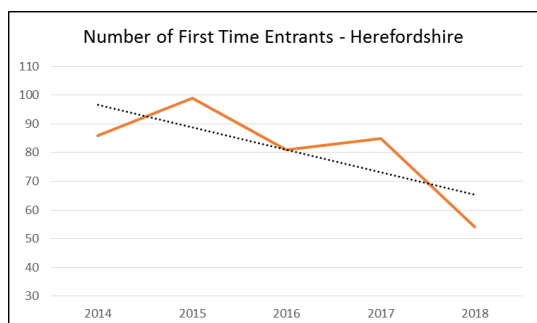
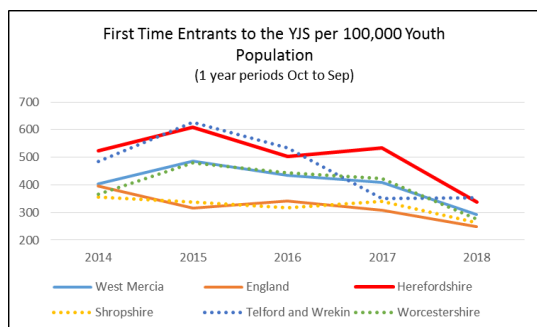
In 2018 a total of 24 individual young people received 37 court outcomes for a total of 134 offences. Court orders requiring management by WMYJS accounted for 23 (62%) of the court outcomes. The majority of young people, (92%) receiving court outcomes were aged 16 and over with 17 year olds accounting for 67%.

The most frequently occurring offence was violence against the person (23%), followed by criminal damage (19%), sexual offences (13%) and motoring offences (9%). These four offence type accounting for 64% of all offences dealt with by convictions in the court.

³ Note, there will be a cohort of young people whose behaviour may be dealt with informally by the police, the data contained within this appendix is for young people made subject to formal justice system disposals only.

Performance Against the National Indicators

(i) First Time Entrants



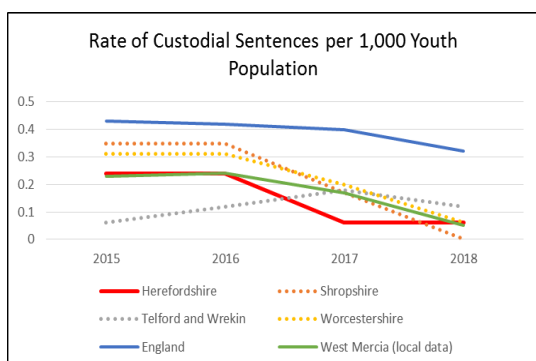
This measure is expressed as the number of first time entrants (young people receiving their first formal youth justice sanction, either a caution or conviction) per 100,000 youth population within a 12 month period. The lower the number the better the performance.

The most recent published data is for the year Oct 2017 to Sep 2018, where the Herefordshire rate was 338, compared to a national performance of 250. Although the Herefordshire rate remains higher than national rate, the gap between both the Herefordshire rate and the national rate has been reducing since 2017, when the gap between the rates was 226 compared to 88 in 2018.

The actual numbers of young people entering the youth justice system is fairly low, with only 54 young people entering the system in the period October 2017 to September 2018. Although there are variations year to year the overall trend has been downward since 2008 when 310 young people entered the youth justice system for the first time, the current number of 54 represents a reduction of 83% over the 10 year period.

The service recognises, however, that that the rate is higher than might be expected and also accepts that the out of court disposal joint decision making arrangements in West Mercia, although meeting statutory requirements, is a contributory factor. A new joint decision making framework was agreed during 2018/19, with a phased implementation due in 19/20 starting in the Herefordshire Local Policing Area.

(ii) The Use of Custody

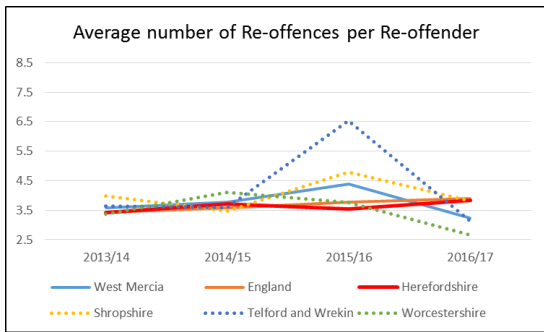


The use of custody indicator is expressed as the number of custodial sentences per 1,000 youth population within a 12 month period. The lower the rate the better the performance.

The most recently published data for this indicator is for the calendar year 2018, where the Herefordshire rate was 0.06, which compares favourably against the national rate, 0.32. The rate has been decreasing since 2015. The rate of 0.06 in Herefordshire represents one Herefordshire young person receiving a custodial sentence during 2018.

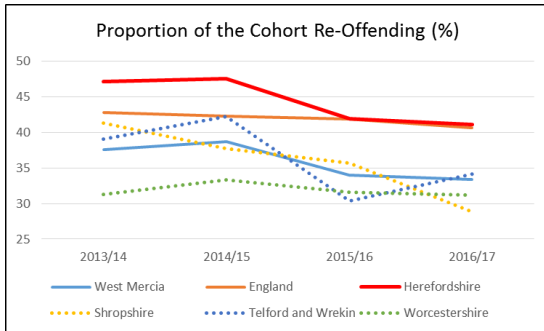
(iii) Re-offending

There are two measures for the re-offending indicator, both for the same cohort of offenders (all young people receiving a formal justice system disposal (caution or conviction) within a specified period of time). The cohort is then tracked for any re-offending within 12 months, the first measure (frequency measure) is the average number of re-offences per re-offender, the second measure (binary measure) is the proportion of the cohort re-offending. For both measures a lower figure denotes better performance.



The most recently published data for this indicator is for the cohort identified April 2016 to March 2017.

The frequency measure for Herefordshire, 3.83, is similar to the national rate of 3.90. The range of rates nationally are from 2.30 to 6.67, placing Herefordshire in the second to top quartile of the national performance range.



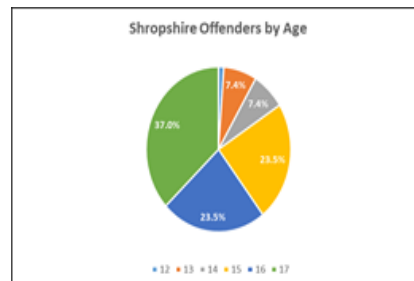
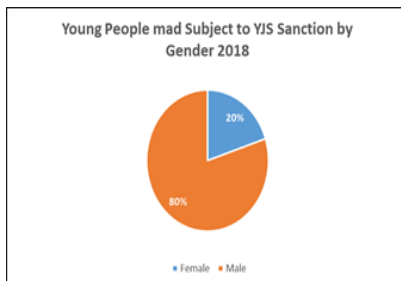
The binary measure at 41.0% is also similar to the national rate 40.6%. The range of rates nationally being from 20.2% to 63.3% which means that Herefordshire sits just within the second to top quartile of the national performance range. The binary rate in Herefordshire has been reducing since 2013/14 when it was 47.1%, representing an overall reduction of 13% in the proportion of young people re-offending over the three year period.

Appendix 5

Shropshire Local Information

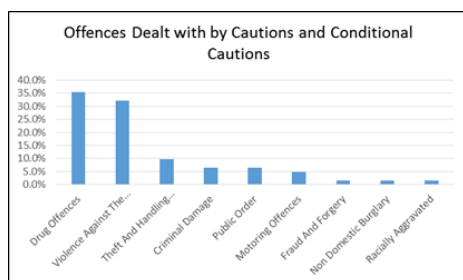
Youth Offending Population Overview

There are 28,588 young people aged 10 to 17 years in Shropshire. According to WMYJS records there were 96 formal justice system sanctions⁴ (cautions and convictions) made on Shropshire young people during 2018. A total of 81 individual young people accounted for the 96 outcomes, 0.28% of youth population.



Of the 81 young people receiving youth justice sanctions in 2018, 65 (80%) were male. The majority, 84% were aged 15 years or more, with 17 year olds accounting for just under a third (30%) of all young people receiving a youth justice sanction. There is little difference in the peak age between the two genders, with 38% of sanctions received by young males being for 17 year olds and 31% of sanctions made on young females being for 17 year olds.

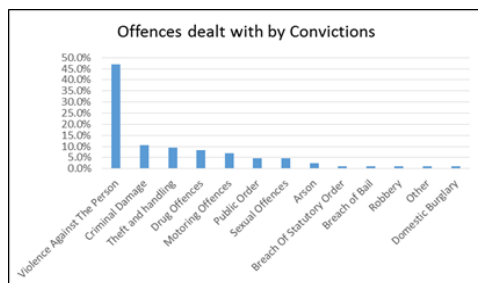
Youth Offending Population for Out of Court Disposals



Out of court disposals are a method of resolving offences without prosecution before the court, and include of the formal Police sanctions of Youth Cautions (YC) and Youth Conditional Cautions (YCC). In 2018, according to WMYJS records, there were 58 YCs or YCCs issued for 54 individual young people for a total of 62 offences, 21 of these outcomes were supported by an intervention from WMYJS.

The most commonly occurring offences were drug offences (35%), followed by violence against the person (32%) and theft and handling stolen goods (10%). These three offence types accounting for 77% of all offences dealt with by cautioning.

Youth Offending Population for Court Disposals



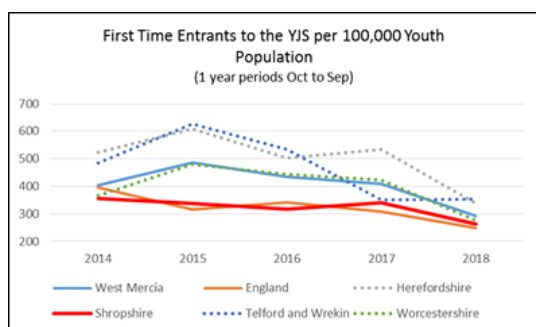
In 2018 a total of 27 individual young people received 38 court outcomes for a total of 85 offences. Court orders requiring management by WMYJS accounted for 31 (82%) of the court outcomes. The majority of young people, (78%) receiving court outcomes were aged 15 and over with 17 year olds accounting for 37%.

The most frequently occurring offence was violence against the person (47%), followed by criminal damage (11%), theft and handling (9%) and drug offences (8%). These four offence type accounting for 75% of all offences dealt with by convictions in the court.

⁴ Note, there will be a cohort of young people whose behaviour may be dealt with informally by the police, the data contained within this appendix is for young people made subject to formal justice system disposals only.

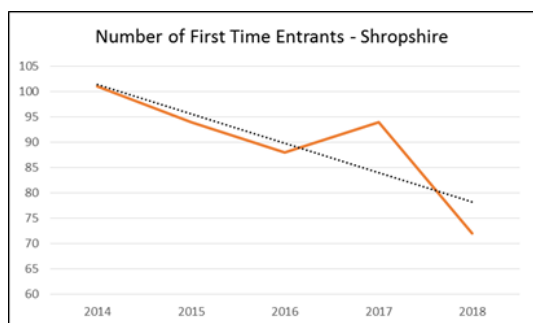
Performance Against the National Indicators

(i) First Time Entrants



This measure is expressed as the number of first time entrants (young people receiving their first formal youth justice sanction, either a caution or conviction) per 100,000 youth population within a 12 month period. The lower the number the better the performance.

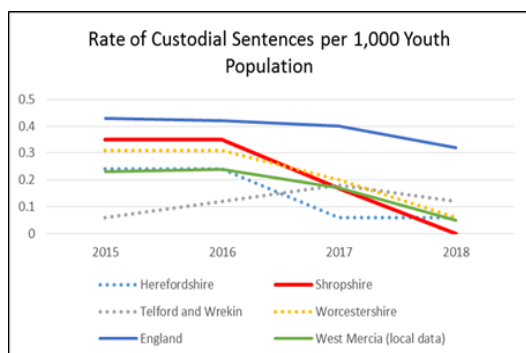
The most recent published data is for the year Oct 2017 to Sep 2018, where the Shropshire rate was 262, compared to a national performance of 250. Shropshire has the lowest rate of the four areas in West Mercia. Although the Shropshire rate is slightly higher than national rate, the rate of reduction follows a similar trend as the reduction in the national rate.



The actual numbers of young people entering the youth justice system is fairly low, with only 72 young people entering the system in the period October 2017 to September 2018. Although there are variations year to year the overall trend has been downward since 2008 when 359 young people entered the youth justice system for the first time, a reduction of 80% over the 10 year period.

The service recognises, however, that that the rates across West Mercia are higher than might be expected and also accepts that the out of court disposal joint decision making arrangements in West Mercia, although meeting statutory requirements, is a contributory factor. A new joint decision making framework was agreed with West Mercia Police during 2018/19, with a phased implementation due in 19/20.

(ii) The Use of Custody

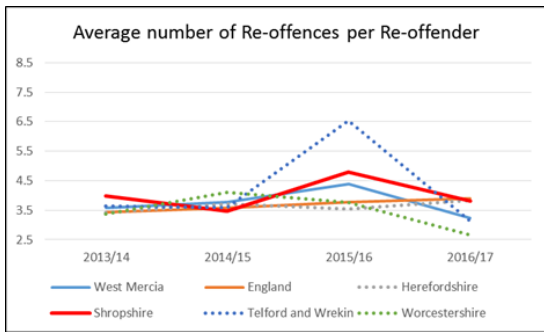


The use is custody indicator is expressed as the number of custodial sentences per 1,000 youth population within a 12 month period. The lower the rate the better the performance.

The most recently published data for this indicator is for the calendar year 2018, where the Shropshire rate was 0.00 as there were no custodial sentences on Shropshire young people in the year. The national rate was 0.32 and West Mercia rate was 0.05 for the same period.

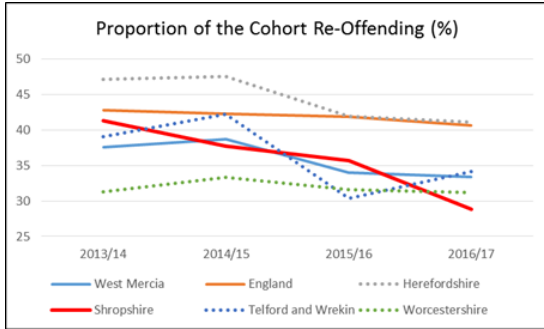
(iii) Re-offending

There are two measures for the re-offending indicator, both for the same cohort of offenders (all young people receiving a formal justice system disposal (caution or conviction) within a specified period of time). The cohort is then tracked for any re-offending within 12 months, the first measure (frequency measure) is the average number of re-offences per re-offender, the second measure (binary measure) is the proportion of the cohort re-offending. For both measures a lower figure denotes better performance.



The most recently published data for this indicator is for the cohort identified April 2016 to March 2017.

The frequency measure for Shropshire, 3.81, is better than the national rate of 3.90. The range of rates nationally are from 2.30 to 6.67, placing Shropshire in the second to top quartile of the national performance range.



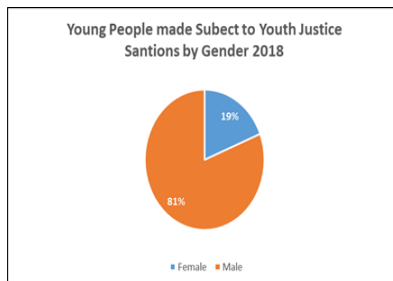
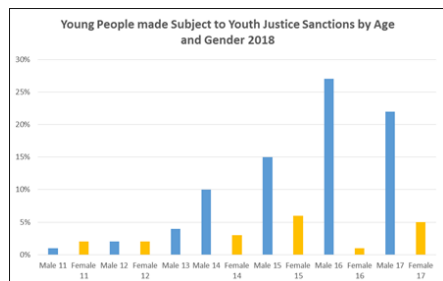
The binary measure at 28.9% is significantly better than the national rate 40.6%. The range of rates nationally being from 20.2% to 63.3% which means that Shropshire sits within the top quartile of the national performance range. The binary rate in Shropshire has been reducing since 2013/14 when it was 41.3%, representing an overall reduction of 30% in the proportion of young people re-offending over the three year period.

Appendix 6

Telford and Wrekin Local Information

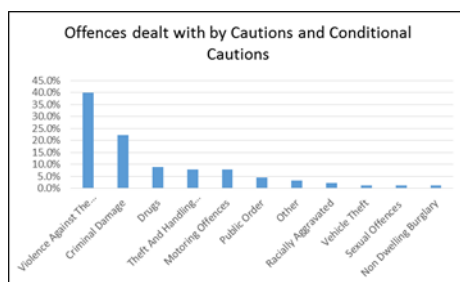
Youth Offending Population Overview

There are 16,578 young people aged 10 to 17 years in Telford and Wrekin. According to WMYJS records there were 120 formal justice system sanctions⁵ (cautions and convictions) made on Telford and Wrekin young people during 2018. A total of 100 individual young people accounted for the 120 outcomes, 0.60% of youth population.



Of the 100 young people receiving youth justice sanctions in 2018, 81 (81%) were male. The majority, 76% were aged 15 years or more, with 17 year olds accounting for just over a quarter (27%) of all young people receiving a youth justice sanction. The peak age for young males was 16, with 16 year old males accounting for 33% of all males receiving sanctions, and for females, 15, with 15 year old females accounting for 32% of all females receiving a youth justice sanction.

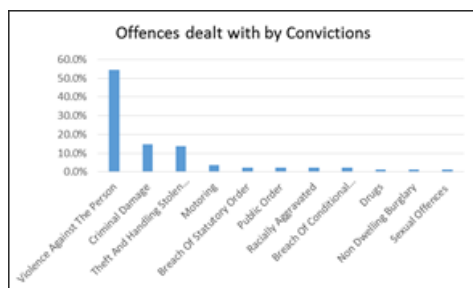
Youth Offending Population for Out of Court Disposals



Out of court disposals are a method of resolving offences without prosecution before the court, and include of the formal Police sanctions of Youth Cautions (YC) and Youth Conditional Cautions (YCC). In 2018, according to WMYJS records, there were 75 YCs or YCCs issued for 68 individual young people for a total of 90 offences, 13 of these outcomes were supported by an intervention from WMYJS.

The most commonly occurring offence was violence against the person (40%), followed by criminal damage (22%) and drug offences (9%). These three offence types accounting for 71% of all offences dealt with by cautioning.

Youth Offending Population for Court Disposals

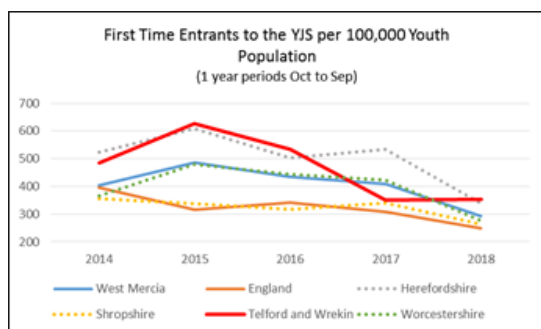


In 2018 a total of 32 individual young people received 45 court outcomes for a total of 90 offences. Court orders requiring management by WMYJS accounted for 32 (71%) of the court outcomes. The majority of young people, (69%) receiving court outcomes were aged 16 and over with 17 year olds accounting for 38%. The most frequently occurring offence was violence against the person (54%), followed by criminal damage (15%) and theft and handling stolen goods (14%). These three offence types accounting for 83% of all offences dealt with by convictions in the court.

⁵ Note, there will be a cohort of young people whose behaviour may be dealt with informally by the police, the data contained within this appendix is for young people made subject to formal justice system disposals only.

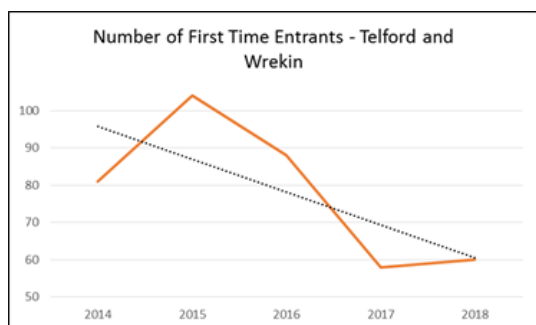
Performance Against the National Indicators

(i) First Time Entrants



This measure is expressed as the number of first time entrants (young people receiving their first formal youth justice sanction, either a caution or conviction) per 100,000 youth population within a 12 month period. The lower the number the better the performance.

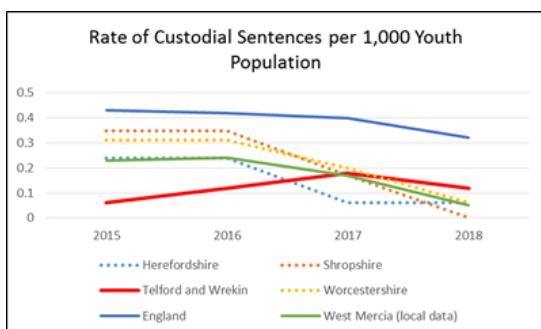
The most recent published data is for the year Oct 2017 to Sep 2018, where the Telford and Wrekin rate was 353, compared to a national performance of 250. Although the Telford and Wrekin rate in 2018 is slightly higher than the previous year when it was 350, the overall trend since 2015 is downward.



The actual numbers of young people entering the youth justice system is fairly low, with only 60 young people (58 in the previous year) entering the system for the first in the period October 2017 to September 2018. Although there are variations year to year the overall trend has been downward since 2008 when 382 young people entered the youth justice system for the first time, a reduction of 84% over the 10 year period.

The service recognises, however, that that the rate is higher than might be expected and also accepts that the out of court disposal joint decision making arrangements in West Mercia, although meeting statutory requirements, is a contributory factor. A new joint decision making framework was agreed during 2018/19, with a phased implementation due in 19/20.

(ii) The Use of Custody

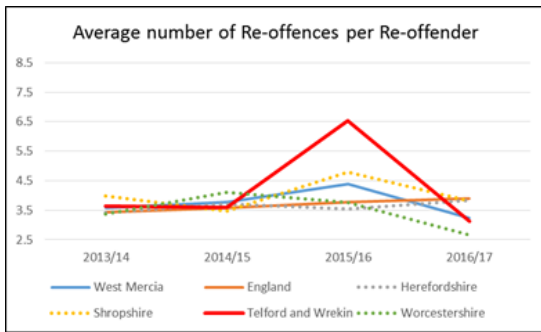


The use is custody indicator is expressed as the number of custodial sentences per 1,000 youth population within a 12 month period. The lower the rate the better the performance.

The most recently published data for this indicator is for the calendar year 2018, where the Telford and Wrekin rate was 0.12, which compares favourably against the national rate, 0.32. The rate has decreased from the previous year when it was 0.18. The rate of 0.12 in Telford and Wrekin represents two Telford and Wrekin young people receiving a custodial sentence during 2018.

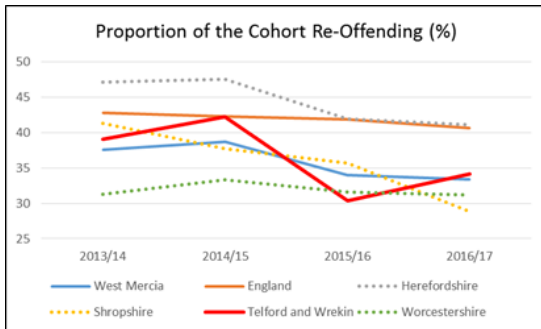
(iii) Re-offending

There are two measures for the re-offending indicator, both for the same cohort of offenders (all young people receiving a formal justice system disposal (caution or conviction) within a specified period of time). The cohort is then tracked for any re-offending within 12 months, the first measure (frequency measure) is the average number of re-offences per re-offender, the second measure (binary measure) is the proportion of the cohort re-offending. For both measures a lower figure denotes better performance.



The most recently published data for this indicator is for the cohort identified April 2016 to March 2017.

The frequency measure for Telford and Wrekin, 3.12, is better than the national rate of 3.90. The range of rates nationally are from 2.30 to 6.67, placing Telford and Wrekin in the second to top quartile of the national performance range.



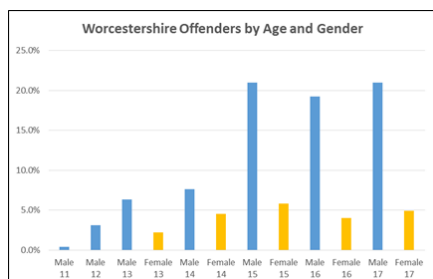
The binary measure at 34.2% is significantly better than the national rate 40.6%. The range of rates nationally being from 20.2% to 63.3% which means that Telford and Wrekin sits within the second to top quartile of the national performance range. Although the binary rate has risen slightly from the previous year, the overall trend has been reducing rate since 2014/15 where it was at 42.2%

Appendix 7

Worcestershire Local Information

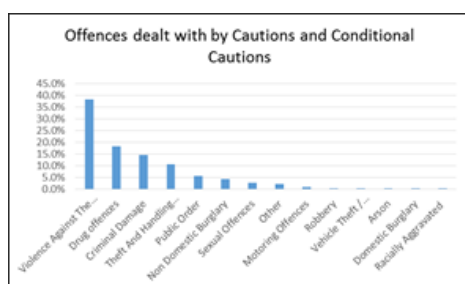
Youth Offending Population Overview

There are 51,282 young people aged 10 to 17 years in Worcestershire. According to WMYJS records there were 282 formal justice system sanctions⁶ (cautions and convictions) made on Worcestershire young people during 2018. A total of 224 individual young people accounted for the 282 outcomes, 0.44% of youth population.



Of the 224 young people receiving youth justice sanctions in 2018, 176 (79%) were male. The majority, 76% were aged 15 years or more, with 17 year olds accounting for just over a quarter (26%) of all young people receiving a youth justice sanction. There is little difference in the peak age between the two genders, with 27% of sanctions received by young males for both those aged 15 and aged 17 and 27% of sanctions received by young females by those aged 15 and 23% on those aged 17.

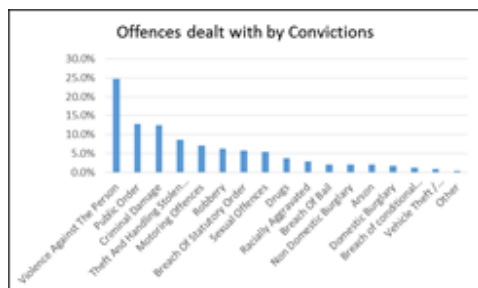
Youth Offending Population for Out of Court Disposals



Out of court disposals are a method of resolving offences without prosecution before the court, and include of the formal Police sanctions of Youth Cautions (YC) and Youth Conditional Cautions (YCC). In 2018, according to WMYJS records, there were 171 YCs or YCCs issued for 155 individual young people for a total of 214 offences, 47 of these outcomes were supported by an intervention from WMYJS.

The most commonly occurring offence was violence against the person (38%), followed by drug offences (18%), criminal damage (15%) and theft and handling stolen goods (10%). These four offence types accounting for 81% of all offences dealt with by cautioning.

Youth Offending Population for Court Disposals



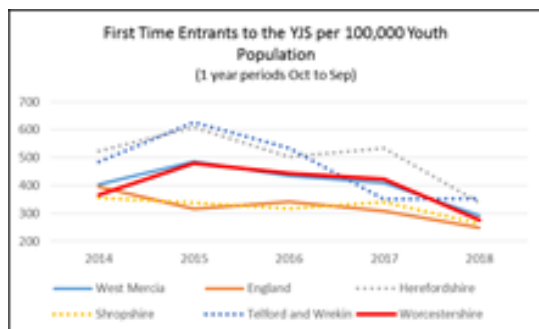
In 2018 a total of 69 individual young people received 111 court outcomes for a total of 242 offences. Court orders requiring management by WMYJS accounted for 90 (81%) of the court outcomes. The majority of young people, (90%) receiving court outcomes were aged 15 and over with 17 year olds accounting for 30%.

The most frequently occurring offence was violence against the person (25%), followed by public order (12%), criminal damage (12%) and theft and handling stolen goods (9%). These four offence type accounting for 58% of all offences dealt with by convictions in the court.

⁶ Note, there will be a cohort of young people whose behaviour may be dealt with informally by the police, the data contained within this appendix is for young people made subject to formal justice system disposals only.

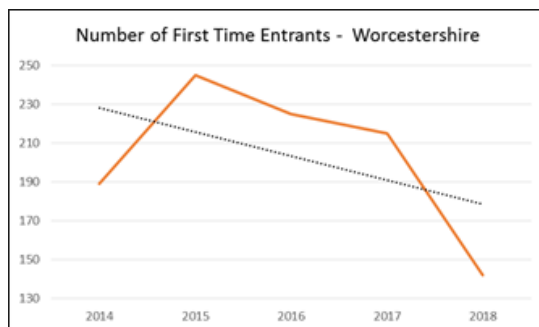
Performance Against the National Indicators

(i) First Time Entrants



This measure is expressed as the number of first time entrants (young people receiving their first formal youth justice sanction, either a caution or conviction) per 100,000 youth population within a 12 month period. The lower the number the better the performance.

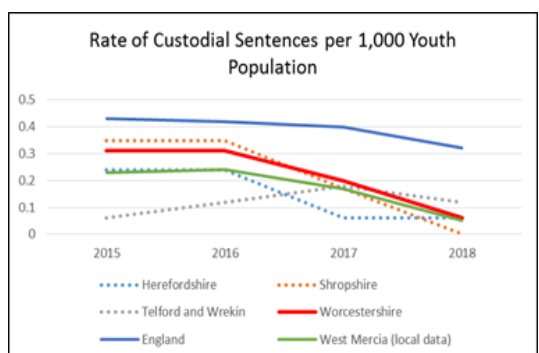
The most recent published data is for the year Oct 2017 to Sep 2018, where the Worcestershire rate was 277, compared to a national performance of 250. Although the Worcestershire rate remains higher than national rate, the gap between the Worcestershire rate and the national rate has been reducing since 2015, when the gap between the rates was 164 compared to 27 in 2018.



The actual numbers of young people entering the youth justice system is fairly low, with only 142 young people entering the system in the period October 2017 to September 2018. Although there are variations year to year the overall trend has been downward since 2008 when 777 young people entered the youth justice system for the first time, representing a reduction of 82% over the 10 year period.

The service recognises, however, that that the rate is higher than might be expected and also accepts that the out of court disposal joint decision making arrangements in West Mercia, although meeting statutory requirements, is a contributory factor. A new joint decision making framework was agreed during 2018/19, with a phased implementation due in 19/20.

(ii) The Use of Custody

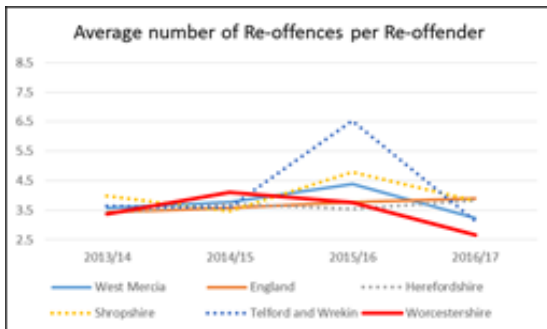


The use is custody indicator is expressed as the number of custodial sentences per 1,000 youth population within a 12 month period. The lower the rate the better the performance.

The most recently published data for this indicator is for the calendar year 2018, where the Worcestershire rate was 0.06, which compares favourably against the national rate, 0.32. The rate has been decreasing since 2015. The rate of 0.06 in Worcestershire represents three Worcestershire young people receiving a custodial sentence during 2018.

(iii) Re-offending

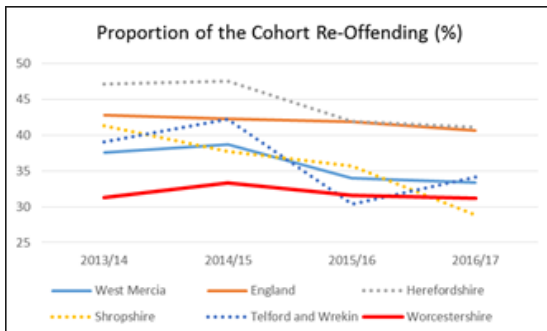
There are two measures for the re-offending indicator, both for the same cohort of offenders (all young people receiving a formal justice system disposal (caution or conviction) within a specified period of time). The cohort is then tracked for any re-offending within 12 months, the first measure (frequency measure) is the average number of re-offences per re-offender, the second measure (binary measure) is the proportion of the cohort re-offending. For both measures a lower figure denotes better performance.



The most recently published data for this indicator is for the cohort identified April 2016 to March 2017.

The frequency measure for Worcestershire, 2.65, is better than the national rate of 3.90. The range of rates nationally are from 2.30 to 6.67, placing Worcestershire in the top quartile of the national performance range.

The binary measure at 31.2% is also better than the national rate 40.6%. The range of rates nationally being from 20.2% to 63.3% which means that Worcestershire sits within the second to top quartile of the national performance range. The binary rate in Worcestershire has returned to the same level as in 2013/14 following a rise to 33.3% in 14/15.

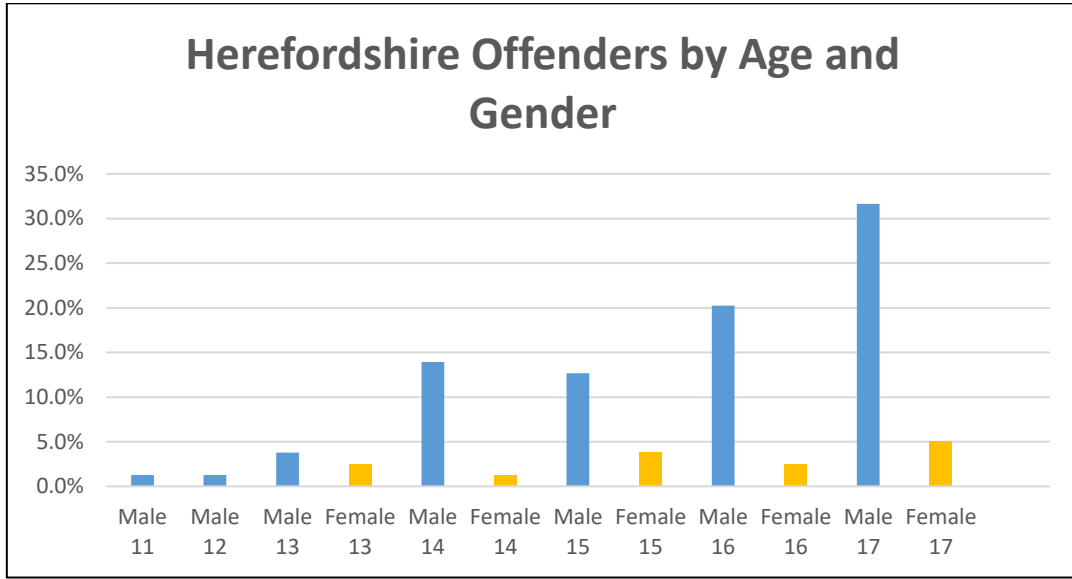


West Mercia Youth Justice Plan 2019/20
Herefordshire Local Information (Appendix 4)

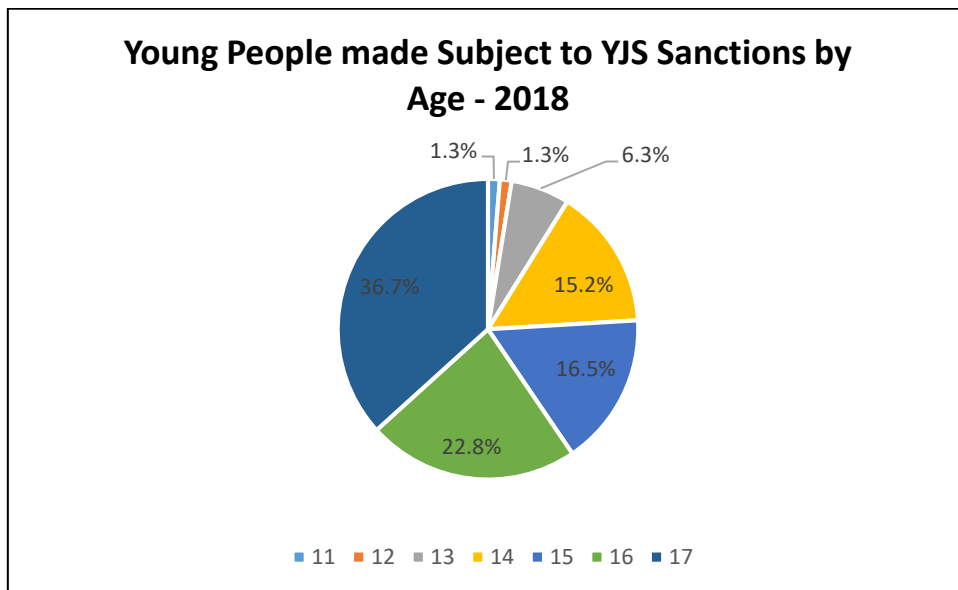
Graphs – Reproduced on a Larger Scale

For an explanation of these graphs and charts please refer to appendix 4 of the 2019/20 West Mercia Youth Justice Plan – Herefordshire Local Information

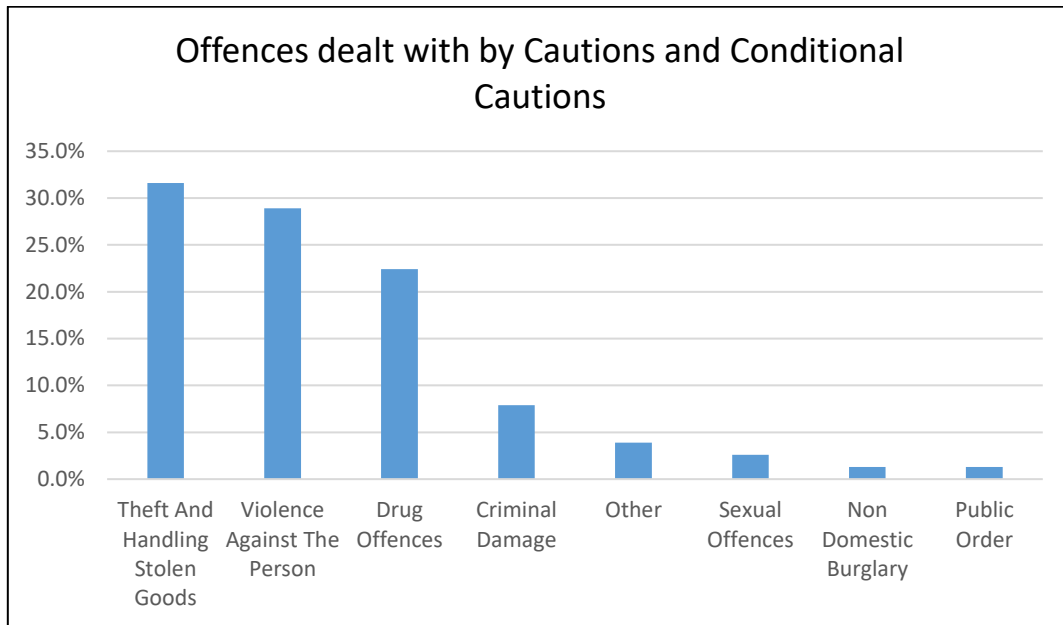
(i) Young people receiving youth justice sanctions 2018 by age and gender



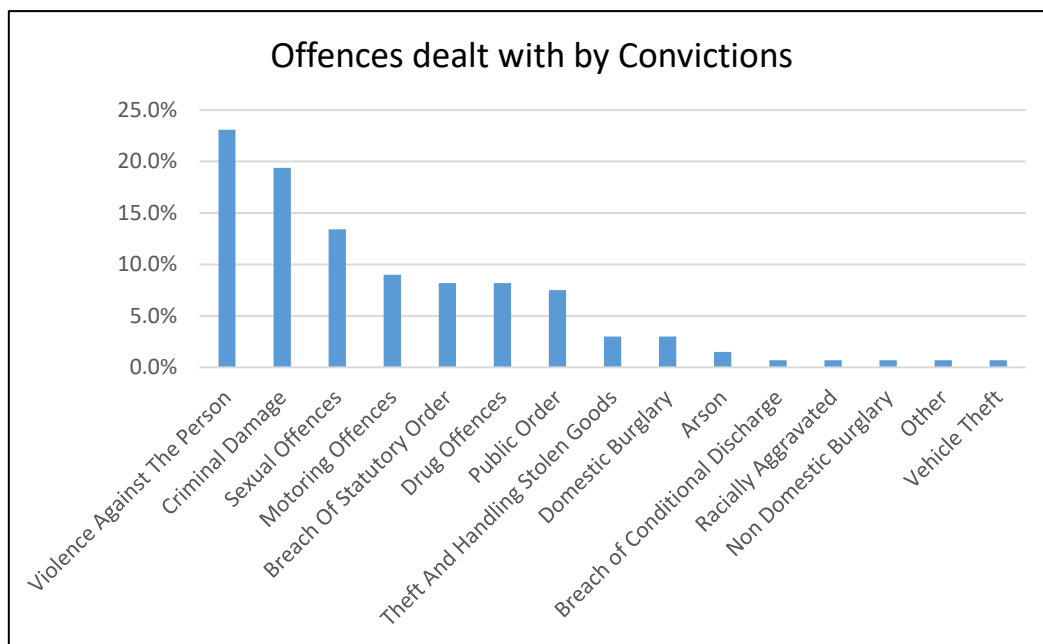
(ii) Young people receiving youth justice sanctions by age 2018



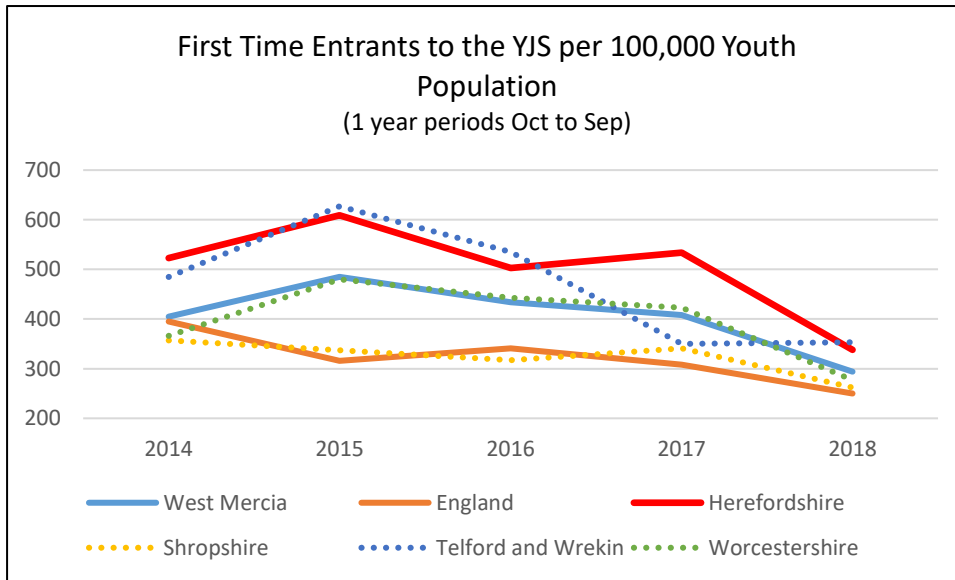
(iii) Offences Dealt with by Cautions and Conditional Cautions 2018



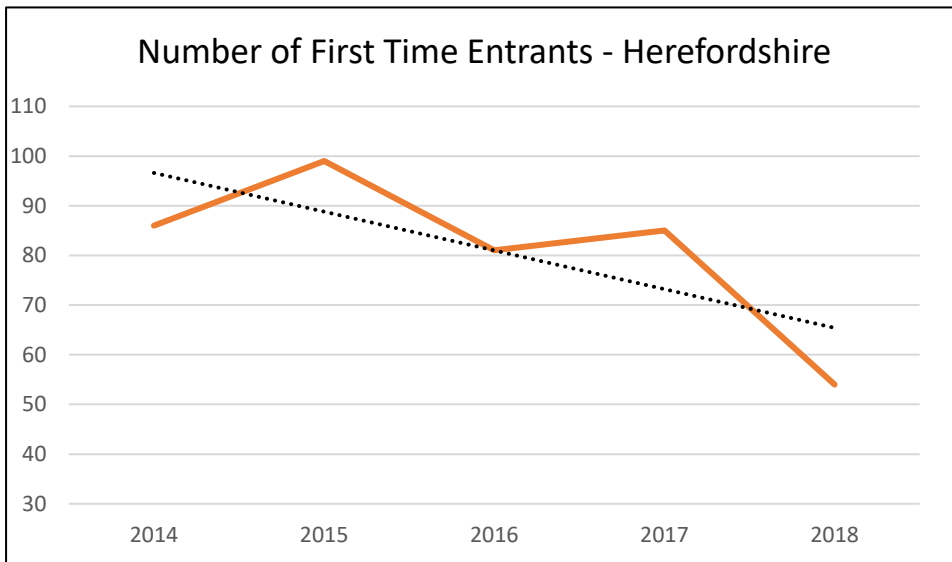
(iv) Offences Dealt with by Convictions 2018



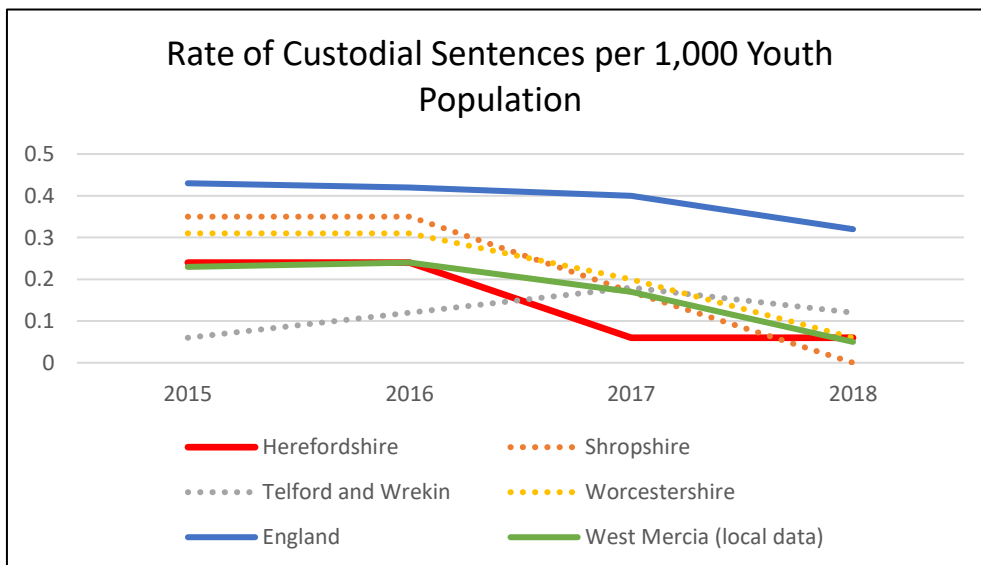
(v) Herefordshire First Time Entrants to the Youth Justice System per 100,000 youth population



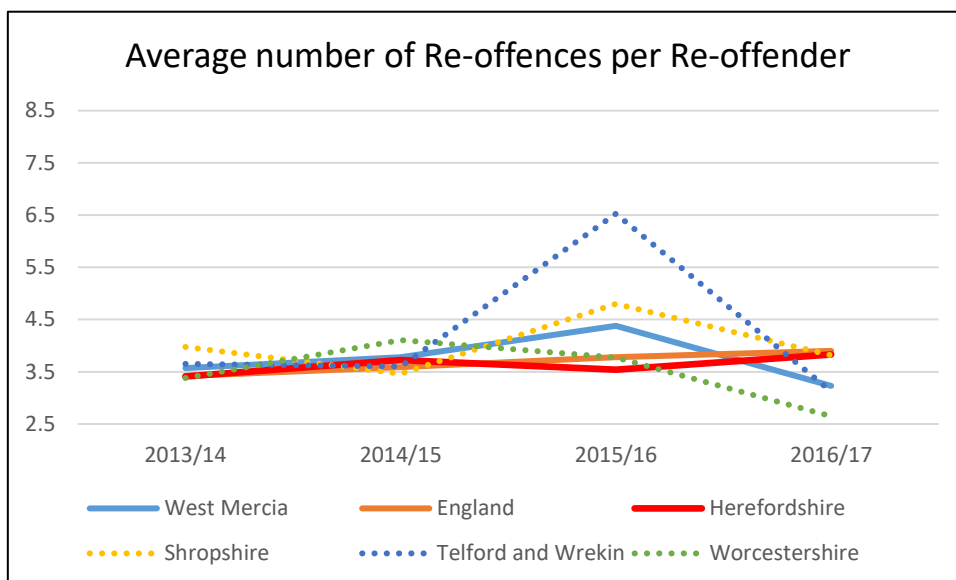
(vi) Number of Herefordshire First Time Entrants to the Youth Justice System



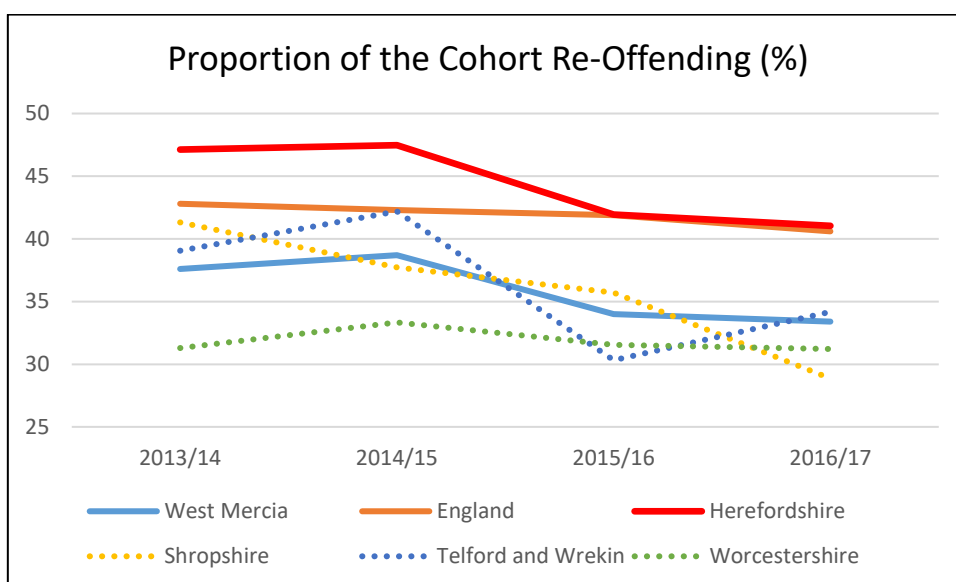
(vii) The use of custodial sentences



(viii) Re-Offending – the Average Number of Re-offenders Re-offending



(ix) Re-offending – Proportion of the Cohort Re-Offending





Meeting:	Cabinet
Meeting date:	26 September 2019
Title of report:	Gambling Policy 2019-2022 (Review)
Report by:	Cabinet member housing, regulatory services, and community safety

Classification

Open

Decision type

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Budget and policy framework

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in areas comprising of one or more wards in the county.

Wards affected

(All Wards);

Purpose and summary

To review the statement of principles (Gambling Policy) to be applied by the council when exercising licensing functions under the Gambling Act 2005 (the Act) and recommend the revised policy to Council. The current policy was approved in March 2015; that policy has been reviewed and refreshed to take account of new guidance issued by the Gambling Commission and further guidance regarding three or more gaming machines in pubs.

Recommendation(s)

That: the revised Statement of Gambling Licensing Policy 2019-2022 (attached at appendix 1) is recommended to Council.

1. Alternative options

There are no alternative options to that recommended as it is a function of the Cabinet to inform and support the process for making proposals to Council in terms of the adoption of any item that forms part of the budget and policy framework.

Key considerations

2. 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 Act during the three-year period to which the policy applies. The current statement was approved in March 2015.
3. The previous policy appears to have been effective although as a Licensing Authority we receive very few applications concerning actual gambling premises. Most of the applications under the Act are for gaming machines and small lotteries.
4. The purpose of the policy is to ensure that the three licensing objectives are promoted within Herefordshire and this appears to have been effective in the past. The council has never received any complaints in relation to gambling. Within Herefordshire there are a total of:

Thirteen (13) Betting Shops
Five (5) Adult Gaming Centres and
Four (4) Bingo Premises
5. Whilst the policy remains largely unchanged, amendments have been made to reflect the requirements of two new codes issued by the Gambling Commission: Licensing Conditions and Code of Practice (LCCP) and the Social Responsibility Code. The policy now reflects the requirement for these codes to be followed.
6. Also, further guidance has been added in respect of applications for three or more gaming machines in licensed premises.
7. Over the life of the policy, the effectiveness of the policy will be monitored to ensure that the licensing objectives are being promoted. This will be achieved by monitoring whether any issues are identified which affects these licensing objectives.
8. The new policy will be published on the website and has already been consulted on, so people are already aware of the proposed changes.
9. The matter was considered by General Scrutiny Committee on 23rd July 2019 which made 11 recommendations itemised as (a) to (k), which have all been considered and where at all possible included as amendments within the policy.

Community impact

10. The licensing objectives under the Act 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.

11. The policy will ensure that businesses are aware of the expectations of the Licensing Authority in respect of gambling premises. This will result in the promotion of the licensing objectives, as well as having a positive impact on the priorities with the council's corporate plan which are:
 - enable residents to live safe, healthy independent lives
 - keep children and young people safe and give them a great start in life
 - support the growth of our economy
 - secure better services, quality of life and value for money
12. Also the policy will help promote the life chances of looked after children or care leavers, by protecting them from being harmed or exploited by gambling, whilst at the same time ensuring the health, safety and wellbeing of employees, contractors or others who may be affected by the decision.
13. By exercising the functions correctly in respect of the 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 duty

14. The effects of this policy have been considered in relation to both the Equality Act 2010 and the Human Rights Act 1998. It will have little impact as:
 - a) The policy remains in essence the same as the previous one, with only minor amendments which are updating the policy, mainly as a result of guidance issued by the Gambling Commission and
 - b) One of the Licensing Objectives under The Gambling Act is the protection of children and other vulnerable persons from being harmed or exploited by gambling and the policy reflects this objective.
15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Resource implications

16. This report has no resource implications.

Legal implications

17. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of licensing principles every three years. In exercising their functions under s153 (1) of the Act a Licensing Authority must have regard to the legislative requirements of the Act and

the statement published by the Licensing Authority under section 349 of the Act. Failure to have an up to date Gambling Licensing Policy would mean that the Licensing Authority was in breach of legislation and was open to challenge in relation to the exercise of its functions under the Act.

Risk management

18. None associated with the recommendation. Failure to reach a decision could result in an application for Judicial Review being made, as the regulation of gambling establishments would have to be in the absence of an up to date policy.
19. Should no policy be adopted then there would cease to be any up to date guidance to applicants as well as to decision makers which would make it difficult to defend any decision that is challenged.

Consultees

20. In accordance with the Gambling Act 2005 the following have been consulted:
 - West Mercia Police
 - All holders of premises licences under the Gambling Act 2005 in Herefordshire
 - The Gambling Commission
 - Public Health
21. No feedback has been received from any of the above listed.
22. The draft policy was considered by General Scrutiny Committee at its meeting on 23rd July 2019 and the following recommendations were made which result in the response shown in italics:
 - a) Officers review the wording in Para 1.1 of the policy to ensure it places clear emphasis on promoting compliance with the principles set out in the Act, and make clear that it is not about promoting gambling; (*Done*)
 - b) Officers include a glossary of terms to cover all technical and legal terms set out in the report before it goes on to cabinet and full Council; (*Done*)
 - c) a sentence be added to the policy document to highlight where people can be directed to apply for a license; (*Done*)
 - d) a new category (i) be added to the itemised list in para 15.6 to include training in child protection and child safeguarding; (*We don't recommend it's mandatory because it's not proportionate to the evidence locally but we can make licensee's aware of the risks to CYP and the training opportunities that are available.*)
 - e) officers look at all of the suggested various changes to wording of the policy suggested in bullet point 7 above and update the policy to ensure there is clarity in the phraseology used (*The phraseology used within the Policy reflects the terms used within the Act and the use of different terminology within the policy may cause confusion*).
 - f) the various references to children and young persons should – for consistency – be changed to children and young people throughout the policy document (*the term*

children and young persons is the term used within the Act and again may cause confusion if different terms are used within the policy) .

- g) officers revise the wording to highlight that the gambling policy is 'reviewed' every three years and to add clarity to the reference of policy review from 'time to time' – with the additional context that this will happen when/if there are changes to legislation during the three year period; *(Done)*
- h) officers remove the reference to 'the governance team' in para 4.5 of the policy; *(Done)*
- i) officers state clearly what the deadline timeframes are in para 5.2. *(Done)*
- j) grounds for a review of a premises license as set out at section 18 of the policy should also include any breaches to the principles that the licensing authority, upholds in overseeing and this policy and any related enforcement action; *(Done)* and
- k) details on rights of appeal should be included in the policy document *(Done)*.

Appendices

Appendix 1 – Statement of Gambling Licensing Policy 2019 – 2022

Background papers

None

GAMBLING ACT 2005

STATEMENT OF

GAMBLING LICENSING

POLICY

2019 – 2022

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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, these are contained within this the Gambling Policy. 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 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 Appendix 1. The policy was approved at a meeting of the Full Council onXXXXXXXXXX

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 objectives regulating gambling 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 responsibly run premises to provide a wide range of entertainment activities throughout their opening hours and to ensure gambling is promoted 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 to assist during the decision making process 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 reviewed at least every three years or more often as required. 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 2018) 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:
 - 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: <https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

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)

2.7 **Licensing Conditions and Codes of Practice 2015 (LCCP)**

The Gambling Commission released a new 'Licensing Conditions and Code of Practice' (LCCP) in February 2015 with a commencement date of May 2015. The code strengthened the 'social responsibility' code (SR) requirements.

2.8 Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk

2.9 The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

2.10 **Risk Assessments**

Such risk assessments are required from new applicants, and from existing Premises Licence's seeking to vary a licence. The code requires all operators of; AGC's,

Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

2.11 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new Premises Licence or variation of a Premises Licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime. Copies of the risk assessment must be kept on the premises and made available to the inspecting officer if requested.

2.12 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Suitable multi-language documentation to help and support non-English speaking customers

2.13 The Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment. Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

2.14 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

2.15 Other issues that may be considered could include:

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

2.16 This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

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 Council's 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 Council's 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 will take into account the ‘Guidance to Licensing Authorities’ by the Gambling Commission when determining whether a business interests might be affected by the authorised activities considering any factor considered to be relevant.

- 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,
- 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 MPs. 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 Sub Committee dealing with the licence application.

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 the Licensing Authority .

5.2 All representations must be received by the Licensing Authority within 28 days of the application being made to the Licensing Authority . The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed 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 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 not influence its 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 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.
- 6.4 The authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.
- 6.5 The authority would wish to make its decision making process as transparent as possible and all representations made to it will be shared with all parties to an application. Freedom of information legislation will be complied with.
- 6.6 Please contact the Licensing Service for further information on our protocols.

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' Code issued by the Department for Business, Innovation and Skills.
- 7.5 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.

7.6 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.

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.
- 10.7 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 will consider the following when deciding whether a building or part of a building is a separate premises:-
- Has it a different postal addresses?
 - Has it a separate registration for business rates?
 - Is a neighbouring premises owned by the same person or someone else?
 - Can it be accessed from the street or a public passageway via a separate entrance?
 - Can it only be accessed from any other gambling premises?
 - Would the ordinary person on the street consider that they were one premise or two?
- 10.8 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.

10.9 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.

10.10 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
- Whether the premises has a clock which is visible

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.
- The proximity to any other premises where children and other vulnerable persons congregate (such as fast food outlets)

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.

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.

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.

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.

18.0 Reviews

Generally a review is where any interested party or responsible authority asks the licensing authority to review a premises licence because of a matter arising in connection with one or more of the three licensing objectives.

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

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.

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.

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.

20.3 Where the application is for 3 or more machines, the licensing officer is unable to consider such application until the following documents have been submitted:

- a) A clear and readable plan on a scale of at least 1:100. This should clearly show the location of the following:
 - The location of any bar(s)
 - The location of any existing gaming machines
 - The proposed position of the gaming machine subject to the application
 - Location of any CCTV cameras which cover or will cover the gaming machines (area covered by CCTV to shown on plan)
 - Location of a cash dispensing machine (if present)
- b) In addition to this there shall also been included include a written policy document showing how the codes of practice entitled 'Code of practice for gaming machines in clubs and premises with an alcohol licence' (or any substituted document) issued by the Gambling Commission will be addressed. A copy can be found on the [Gambling Commission website \(PDF\)](#)

We will not consider an application until the required documentation has been submitted.

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 apply 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 Licensing 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.

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.
- 24.2 Occasional Use Notices will only be permitted at tracks where races or sporting events take place or will take place there.

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

25.5 All small society registrations expiry at the end of each calendar year and can be renewed in the month prior to expiry.

25.6 All renewals require payment of the renewal fee and application form.

25.7 Any renewal application received after expiry will be refused and will require a new application together with the appropriate fee and application.

26.0 Casinos

26.1 On 27th July 2007 at a meeting of the Full Council a Resolution was passed 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://councillors.herefordshire.gov.uk/documents/s11792/Council%20report%20on%20casinos.pdf>

27.0 Appeal Rights

27.1 The right of appeal against decisions by a licensing authority are set out in section 206-209 of the Act. These relate to decisions made under Part 8 of the Act namely:

- applications for a premises licence,
- applications to vary or transfer a premises licence,
- applications for provisional statements,
- reviews of premises licences, either at the licensing authority's instigation or following an application

27.2 Any appeal needs to be lodged with the Magistrates Court within a period of 21 days. Applicants should seek their own legal advice or contact the magistrate's court.

APPENDIX A

GLOSSARY OF TERMS

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.

Provisional Statement

An application made for the grant of a premises that an applicant

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

Responsible Authorities

The term responsible authority is defined within Section 157 of the Act.

In brief they are:

- the licensing authority
- the Gambling Commission
- the chief officer of police
- the fire and rescue authority
- the local planning authority
- Environmental Health
- Trading Standards
- HM Revenue & Customs
- any other person prescribed in regulations by the Secretary of State.

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.

Appendix B

List of consultees

Blasemere Ltd

Symonds Yat Leisure Park
Symonds Yat West
Herefordshire
HR9 6BY

Cashino Gaming Ltd

1a Seebeck Place
Seebeck House
Knowlhill
Milton Keynes
MK5 8FR

Coral Racing Ltd

Glebe House
Vicarage Close
Barking
Essex
IG11 7NS

Done Brothers (Cash Betting) Limited

Spectrum
56-58 Benson Road
Birchwood
Warrington
Cheshire
WA3 7PQ

Eversheds LLP

Eversheds House
70 Great Bridgewater Street
Manchester
M1 5ES

Ladbrokes Betting & Gaming Limited

Imperial House
Imperial Drive
Rayners Lane
Harrow
Middlesex
HA2 7JW

Mr William Connell

Leominster Bookmakers
31 West Street
Leominster
HR6 8EP

Power Leisure Bookmakers Limited

Embankment
Chancellors Road
London
W6 9HP

Stan James (Abingdon) Ltd

Finance Division
Kepier Hall Offices
Houghton Le Spring
Tyne and Wear
DH4 4DN

Mr & Mrs R Witnall

Witnall Automatics Ltd
Ritz Bingo
76 King Street
Belper
DE56 1QA

William Hill Organisation Ltd

Greenside House
50 Station Road
Wood Green
London
N22 7TP

Gambling Commission

info@gamblingcommission.gov.uk

Chief Officer of Police

Harm Reduction Department

West Mercia **Police**

Hereford Police Station

Bath Street

Hereford

HR1 2HT

Email: licensing.herefordshire@westmercia.pnn.police.uk

Chief Fire Officer

Hereford & Worcester Fire and Rescue Service
2 Kings Court
Charles Hastings Way
Worcester
WR5 1JR
Email: LConsult@hwfire.org.uk

Environmental Health - Trading Standards

Herefordshire Council
8 St Owen Street
Hereford
HR1 2PJ

Environmental Health - Protection Team

Herefordshire Council
8 St Owen Street
Hereford
HR1 2PJ

Herefordshire Safeguarding Children Board

8 St Owens Street
Hereford
HR1 2PJ

Planning Services

Herefordshire Council
Development Control
Plough Lane
Hereford
HR4 0LE

Public Health

Rebecca Pickup

Home Office Immigration

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Balfour Beatty - Highways

Fiona Miles (fiona.miles@balfourbeatty.com)

Emergency Planning

Ian Baker (ibaker@herefordshire.gov.uk)

West Midlands Ambulance Service

Rob Stevens (Robert.Stevens@wmas.nhs.uk)

Contact Details

Telephone:- 01432 261761

e-mail:- licensing@herefordshire.gov.uk

Address:- 8 St Owens Street, Hereford, HR1 2PJ

Applications

Applications can be made online at:

https://www.herefordshire.gov.uk/directory_record/1932/gambling_act_-_premises_licence



Meeting:	Cabinet
Meeting date:	Thursday 26 September 2019
Title of report:	Travellers Sites Development Plan Document
Report by:	Cabinet member Infrastructure and transport

Classification

Open

Decision type

Budget and policy framework

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To recommend to council that the Herefordshire travellers' sites development plan document (DPD) 2018 -2031 is adopted.

The Government's guidance Planning policy for Traveller Sites requires local planning authorities to make provision for traveller sites within their local plans. The adopted core strategy includes a commitment for the council to do so through a travellers sites DPD. This DPD has been prepared in accordance with the core strategy and government guidance. It has been subject to independent examination by a government appointed inspector. The inspector has concluded that it can provide an acceptable supply of pitches over the next five years and with the main modifications meets the government's test of soundness.

The adoption of the DPD supports the objectives of the Council's Equality Policy adopted in 2017 as outlined in paragraph 15 below.

Authority for making any further additional modifications could be delegated to the relevant cabinet member; as the modifications covered by this delegation would not affect the basis of the DPD. In exercising such delegated authority the officer is required to consult with the cabinet member for infrastructure and transport. Therefore the proposed delegation provides the most efficient way of maintaining a clear and consistent set of development plan documentation.

Recommendation(s)

That:

- (a) the Herefordshire Travellers sites Development Plan Document (DPD) 2018-2031 (appendix 4 and at https://www.herefordshire.gov.uk/info/200185/local_plan/796/travellers_sites_document_examination/7), incorporating the Planning Inspector's recommended main modifications (appendix 2) and the schedules of additional modifications (appendix 3) be recommended to Council for adoption; and**
- (b) it be recommended to Council that delegated authority be given to the programme director growth to make any further minor modifications, (e.g. typographical) to ensure consistency with other development plan documentation.**

Alternative options

1. There is an alternative option for the council not to adopt the DPD. However, this is not recommended given that the inspector has concluded that the DPD is sound. In addition, there would be little, if any, improvement in the council's five year land supply of traveller pitches. Furthermore not adopting the plan could conflict with the approved objectives of the Council's Equality Plan 2017-2019.
2. If the council decided to make changes to the plan, there would be considerable delay in progressing the DPD, given the requirements for further public consultation as well as public examination which would be required to progress any amended DPD. There would also be additional financial costs associated with this. The further consultation and examination would be necessary as there is not an option to adopt the DPD with only some of the proposed main modifications that came out of the examination process. By definition the DPD is now considered to be sound on the basis of its full content. If the main modifications were not included, the DPD would not be sound and it could not be recommended for adoption.
3. Cabinet could decide to defer this decision or recommend to council that the decision is deferred but this is not recommended for the reasons set out above.
4. The schedule of additional modifications does not affect the basis of the DPD and as such an alternative could be to recommend adoption without the schedule of additional modifications. However as this schedule aids the clarity of the document and ensures the plan is up to date this option is not recommended.

Key considerations

5. The DPD has been in preparation since 2016. It has been developed in accordance with national planning policy guidance, including undergoing two stages of consultation. Following approval by council in October 2017, it was submitted for examination in February 2018 and a publically open hearing session was held in May 2018. Following this the inspector issued a post hearing report in which he recommended the Council should identify further pitches to achieve a revised five year supply requirement. As a result an additional sites consultation was carried out between October and December 2018 and this was followed by a further public hearing session in March 2019. Following this second hearing session, consultation was carried out on the inspector's recommended main modifications between March and June 2019. The additional modifications were also published for information. At the end of that consultation the inspector published his final report. This report concludes that the Herefordshire travellers sites development plan document (DPD) provides an appropriate basis for the planning of traveller sites in the county, provided that a number of main modifications are made to it.
6. The DPD covers the period from 2018–2031. It includes allocations and policies as follows:
 - Additional pitches at the local authority sites at Pembridge, Bromyard, Grafton and Watery Lane and a private site near Bosbury.
 - A new stopping place for short stays adjacent to the A49 at Leominster.
 - Policies to provide more details for site requirements and to support travelling show people plots.
7. The inspector's report attached at appendix 1, was received on 24 June 2019 and is published on the council's website. It concludes that, with the inclusion of the series of proposed main modifications (at appendix 2), the DPD meets the test of soundness. The inspector's main modifications include changes to some key aspects of the submitted DPD as follows:
 - Correcting the need for gypsy and traveller pitches to 19 pitches for the 5 years between 2018 and 2023 and to 30 pitches over the plan period;
 - Allocating a further site for 4 pitches at Bosbury;
 - Identifying Stoney Street, Madley as a possible future growth location;
 - Confirming that the core strategy review will consider the longer term unmet needs of those meeting the definition within the Planning Policy for Traveller Sites as well the needs of travellers outside of it; and
 - Changes to the detailed general policies for traveller and showpeople sites to ensure that they are fair in facilitating the traditional and nomadic life of travellers whilst respecting the interests of the settled community.
8. In addition to the main modifications there are also a series of additional modifications (appendix 3) proposed which clarify aspects of the plan but do not change the approach of the plan's policies. Additional modifications were proposed by the council. Appendix 4 incorporates all the modifications into the DPD as track changes for ease of reference.
9. Although the plan period of the DPD is up to 2031, it identifies a supply of allocated pitches for the next five years. The inspector in his report recognised that with the additional pitches the plan is still one pitch short of the five year supply. However the inspector recommended that it would be preferable to complete this DPD now so that the

proposed site allocations can be brought forward with confidence rather than delay the adoption of the DPD. In addition to the allocations, the modifications include a broad area of search at Stony Street Madley for longer term consideration.

10. Allocations of further pitches to meet the longer term need up to 2031 will be considered as part of the review of the core strategy.

Community impact

11. The DPD seeks to address the needs of the traveller community in Herefordshire. This is in line with the council's corporate plan priority to enable residents to live safe, healthy and independent lives.
12. The Local Investment Plan (2011-2026) includes the provision of pitches for gypsies and travellers under outcome 3: Supporting independent living/vulnerable persons.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. Romany gypsies and Irish travellers are recognised by the courts as being distinct ethnic groups and are protected from discrimination by the Equality Act 2010. Herefordshire Council's Equality Policy 2017 – 2019 approved by Cabinet in January 2017 identifies three priority areas including the production of a Gypsy, Roma & Traveller (GRT) strategy. This includes the objective of agreeing on a location, and development of a transit site/temporary stopping place in Herefordshire. A further objective is to focus on key areas such as education, employment, accommodation and health in relation to the travelling community. Clearly the adoption and implementation of the DPD, which allocates a site for a temporary stopping place and additional residential pitches, will make a positive contribution to achieving these wider objectives.
 15. An equalities impact assessment has been carried out and is included at appendix 5 to this report. This assessment concludes that there are only positive or neutral impacts on the protected characteristics referred to in the Equality Act 2010.

Resource implications

16. Costs associated with adoption will involve ensuring the necessary notifications are undertaken and making the DPD and other documents required by the local plan regulations available for inspection. Funding for these tasks is in place in existing budgets and/or reserves.

Further information on the subject of this report is available from
Angela Newey, Tel: 01432 383637, email: Angela.Newey1@herefordshire.gov.uk

17. There are costs associated with the delivery of the additional pitches at the local authority sites and the new temporary stopping place. The capital funding bid for 3 pitches at the local authority sites at Grafton (1 additional pitch) and Bromyard (2 additional pitches) was agreed at the budget meeting of the Council on 15 February 2019. Funding for the additional pitches at the local authority sites at Pembridge and Watery Lane, as well as the new temporary stopping place planned for Leominster, will be sought over the next 2 years. However the funding of the delivery of the pitches is not for consideration as part of this recommendation and decision.

Legal implications

18. The Cabinet member infrastructure and transport has delegated authority from Cabinet in exercise of its functions under Part 3 Section 3 of the constitution for formulating or preparing the documents consisting of the budget and policy framework which includes DPDs pursuant to Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This report by the cabinet member to cabinet puts forward the above recommendations for full council to consider. The subsequent adoption thereof is a Council function under Part 3 Section 1.
19. Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) places a duty on the council as local planning authority to prepare and maintain a Local Development Scheme which will specify documents (amongst other matters) once prepared, to be comprised in the Local Plan for the area. Development plan documents form part of the Local Development Scheme.
20. Legislation does not dictate the specific topics to be addressed by development plan documents as the discretion is left to the local planning authority on what form the local plan takes. However when considering a development plan document focus should be on the key issues in the authority's area, and is required to take account of national government policy and planning practice guidance. In this instance Planning Practice Guidance – planning policy for traveller sites, and the National Planning Policy Framework.
21. The draft DPD has in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) been submitted to the Secretary of State for independent examination in accordance with procedural regulations laid out in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended). The independent examination of the DPD has been carried out by the person appointed to do so by the Secretary of State and has made recommendations that it is adopted. In accordance with Section 23(2) of the Planning and Compulsory Purchase Act 2004 the Council may adopt the document as it is; or with modifications (taken together) if they do not materially affect the policies set out in it.
22. This report recommends the local plan inspectors' report be noted and that the DPD be recommended to Council for adoption in accordance with legislation. There are no other legal considerations

Risk management

23. There are no significant risks associated with adoption of the DPD. Conversely, there are significant risks associated with a decision not to adopt. By not making adequate

provision for the accommodation needs of gypsies and travellers the council would not be fulfilling the objectives of the council's housing strategy nor meeting the requirements of the public sector equality duty. It would also put the council at risk of applications for traveller pitches being determined through the appeal process.

Risk / opportunity	Mitigation
Risk of delay in adopting the DPD	Approval of the recommendations of this report and adopt the DPD
Risk of identified sites not coming forward	An assessment of the sites has been carried out and their deliverability was considered by the inspector as part of the examination process. However the delivery of the new pitches will be monitored on a regular basis as part of the council's standard monitoring processes. If sites do not come forward then the reasons for this will be identified and addressed.

Consultees

24. During the period of preparing the core strategy there have been four periods of consultation as follows:
- Issues and Options Consultation Document in August 2014.
 - The Gypsy and Traveller Accommodation Assessment (GTAA) February/March 2015.
 - Preferred options consultation July 2016
 - Pre- submission consultation November 2017
 - Main modifications Consultation 2019
25. The nature of the process has involved extensive engagement with members of the public across the county, interest groups and statutory agencies. Details of the consultations undertaken are available at https://www.herefordshire.gov.uk/download/downloads/id/13629/travellers_sites_regulation_22_consultation_statement_-_february_2018.pdf
26. All the consultation stages included the following:
- Mail out to stakeholders and individuals on the consultation database
 - Publicity in the local and traveller press and through social media
 - Drop in public consultation events were held in Holmer, Leominster and Ross on Wye
 - Engagement with travellers through the council's traveller service and social inclusion team.
 - Consultation with statutory stakeholders and a range of other consultees
27. General Scrutiny Committee considered the draft Travellers Sites Development plan

Further information on the subject of this report is available from
Angela Newey, Tel: 01432 383637, email: Angela.Newey1@herefordshire.gov.uk

document on 11 September 2017 prior to its consideration for approval for pre-submission consultation by Cabinet on 12 September 2017 and Council on 13 October 2017. As a result of the resolutions of the meeting, the plan was amended to provide further details about how the proposed temporary stopping place would be used and also to strengthen the monitoring section in relation to the effectiveness of the policies and the need to review the DPD.

28. A further round of consultation took place as part of the examination process on the main modifications. All the responses received were passed on to the inspector for his consideration in accordance with the regulations. The inspector took these responses into account in his final report and recommendations.
29. Consultation with all councillors took place prior to the publication of this report. A response was received from Cllr Roger Phillips (Arrow Ward) who highlighted the following:
 - i. The policies of (Core Strategy Policy) H4 refer to proportionality with the local area so it is clear that the whole area cannot be identified for expansion. The suggestion of 4 has to be the maximum figure.
 - ii. This continued reference to an orchard and grazing is ridiculous – the council struggles to maintain what is there now and it is impractical to place livestock on the site. The remainder should be planted with trees (larger saplings to ensure establishment).
 - iii. There should be a reference to prohibit access to the northern industrial access road to Kingspan and other companies on the grounds of safety. As the councillor for over 20 years my corporate memory does not want to see the dangerous situations we had in the past. Direct access from the site from this highway must not be allowed.
 - iv. I am interested in what is meant by our H4 policy on provision for recycling and waste management – there have been issues on this site in recent years

The following officer response is provided to those points raised:

- i. The allocation is for four pitches and it is stated in the DPD that this should be the maximum number of new additional pitches.
- ii. Criterion 2 of DPD policy TS7 includes reference to the management and use of the remaining part of the site for grazing or orchard / native tree species planting. These uses would be agreed at the planning application stage. The wording of the policy allows the planting of trees as suggested above.
- iii. Criterion 6 of the DPD policy states that access should be provided to the new pitches via the existing access onto the highway. Therefore it follows that access to the north of the site will not be permitted
- iv. Policy H4 of the Core Strategy requires applications for new traveller sites and pitches to include adequate provision for the disposal and recycling of waste. This means that additional provision will be made at the Pembridge site for the new pitches.

In summary it is considered that the points raised above are adequately covered by policy TS7 of the DPD. Furthermore, any further policy changes at this stage would

mean that the DPD could not be adopted at the Council meeting as further public examination and main modification consultation would be required as explained in the Alternative Options section on page 2 of this report.

Appendices

Appendix 1 - Report on the examination of the Herefordshire Traveller Sites Document June 2019

Appendix 2 – Travellers’ Sites DPD main modifications, June 2019

Appendix 3 – Traveller sites DPD additional modifications, May 2019

Appendix 4 – Travellers Sites DPD incorporating main and additional modifications.

Appendix 5 - Equalities Impact Assessment of the Adoption of the Travellers sites DPD.

Background papers

None



Report to Herefordshire Council

by David Smith BA (Hons) DMS MRTPI
an Inspector appointed by the Secretary of State

Date: 24 June 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Herefordshire Travellers' Sites Development Plan Document

The Plan was submitted for examination on 27 February 2018

The examination hearings were held on 22 May 2018 and 18 March 2019

File Ref: PINS/W1850/429/5

Non-Technical Summary

This report concludes that the Herefordshire Travellers' Sites Development Plan Document provides an appropriate basis for the planning of traveller sites in the County, provided that a number of main modifications are made to it. Herefordshire Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

All the main modifications were proposed by the Council and were subject to public consultation. In one case I have amended the detailed wording. Their inclusion in the Plan is recommended after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Correcting the need for gypsy and traveller pitches to 19 pitches for the 5 years between 2018 and 2023 and to 30 pitches over the plan period;
- Allocating a further site for 4 pitches at Bosbury;
- Identifying Stoney Street, Madley as a possible future growth location;
- Confirming that the Core Strategy review will consider the longer term unmet needs of those meeting the definition within the Planning Policy for Traveller Sites as well the needs of travellers outside of it; and
- Changes to the detailed general policies for traveller and showpeople sites to ensure that they are fair in facilitating the traditional and nomadic life of travellers whilst respecting the interests of the settled community.

Introduction

1. This report contains my assessment of the Herefordshire Travellers' Sites Development Plan Document (TSD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised NPPF was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. The TSD has therefore been considered against national policy in the NPPF of 2012 as well as the Planning Policy for Traveller Sites (PPTS) of 2015.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The pre-submission publication of the TSD of November 2017 was published for consultation in the same month and is the basis for the examination.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council has requested (PS17) that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, which all relate to matters discussed at the examination hearings, are necessary. The MMs are referenced in bold and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. They were subject to public consultation between 1 May and 12 June 2019. I have taken account of the consultation responses in coming to my conclusions and have made an amendment to the detailed wording of MM13 to give clarity.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. It submitted a submission policies map (A2) showing the proposed traveller sites in the TSD. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, the allocation of an additional site as an MM requires changes to be made to correspond with the location map. When the Plan is adopted, the Council will therefore need to update the policies map in order to comply with the legislation and to give effect to Policy TS8.

Assessment of Duty to Co-operate

7. The Council has been in dialogue with neighbouring authorities in both England and Wales by means of meetings and other officer contact. The upshot is that other planning areas expect to be able to meet their own needs for traveller

sites and there has been no request for Herefordshire to meet unmet need from elsewhere. There are no unresolved strategic cross boundary issues.

8. Overall I am satisfied that the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate enshrined in section 33A of the 2004 Act has therefore been met.

Assessment of Soundness

Background

9. The Herefordshire Local Plan Core Strategy was adopted in October 2015. Within it, Policy H4 deals with traveller sites and contains criteria to establish when proposals for sites will be supported. It also indicates that the accommodation needs of travellers will be provided for through a development plan document which will include site specific allocations. The TSD is intended to fulfil that policy expectation.
10. The Core Strategy establishes that, for the purposes of Policy H4, travellers are those who fall within the definition of "gypsies and travellers" at Annex 1 of the PPTS. Section 124 of the Housing and Planning Act 2016 refers to people residing in or resorting to the district with respect to the provision of sites on which caravans can be stationed. That group includes "cultural" travellers who are outside the PPTS definition. The intention is for their needs to be dealt with in a more holistic fashion through the review of the Core Strategy. The purpose of the TSD is to make provision for travellers who meet the PPTS definition in accordance with the current Core Strategy. The Plan is not fundamentally undermined by not catering for others. However, this is not clear in the supporting text and should be made explicit in order that the Plan is effective. This is addressed by **MM1** and **MM2**.
11. Paragraph 5.1.23 of the Core Strategy details what the travellers' sites document should include. There has been some slippage in the timetable and some of the matters have not been progressed as originally envisaged. Nevertheless, overall the TSD is consistent with the adopted development plan as required by Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Main Issues

12. Taking account of the representations, the written evidence and the discussions that took place at the examination hearings I have identified four main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and does not respond to every point raised by representors.

Issue 1 - Has the preparation of the Plan been informed by a robust evidence base to establish accommodation needs for travellers?

13. The Herefordshire Gypsy and Traveller and Travelling Showperson Accommodation Assessment Update of 2017 (A13) follows earlier work and a final report from 2015. It uses a variety of evidence sources. These include interviews with 69 gypsy and traveller households in the study area which

were undertaken in 2017 together with 20 carried out at Yoke Farm in 2014 as well as interviews with 10 travelling showperson households.

14. The first-hand evidence gained is quite extensive when compared to the total of 119 households living on traveller pitches in 2017. Moreover, the Accommodation Assessment includes all travellers irrespective of whether they meet the PPTS definition or not. Based on their travel patterns and future intentions, just over a third of households are considered to fall into this category. Given the largely primary source of the data this proportion is reasonable. These are the households that the TSD should plan for.
15. The survey was undertaken in confidence. There is therefore no reason to doubt the genuineness of the answers given to questions relating to lifestyles because of wariness about any implications that might arise. Indeed, it must be better to reach conclusions about travellers based on information gleaned from them rather than simply make assumptions. Neither is there any evidence that the questions were framed in such a way as to lead to any particular outcome.
16. A picture was painted of a large-scale loss of sites in the late 1990s and of a consequent exodus to bricks and mortar. Some of these families may now wish to return to caravan pitches in order to resume their traditional lifestyle. However, it is not easy to identify them accurately and it was not possible to interview any travellers in housing. The Accommodation Assessment relies on a figure of 20 households based on the waiting list from public sites from 2017. This is a 'snap shot' in time but provides a useful estimate although the more up-to-date figure of 27 should be used in the model.
17. The PPTS refers to local planning authorities making their own assessment of need, to locally set targets and to the provision of 5 years' worth of sites. Table 1 of the TSD is based on the Accommodation Assessment and summarises overall pitch need. However, as set out in my letter to the Council of 7 June 2018 (INS006), the TSD should assess need as at 1 April 2018 to be as up-to-date as possible on adoption and hence effective. In addition, various other detailed adjustments are required in order to prevent duplication and to give an accurate picture. When this is done the need for sites to 2023 is 19 pitches excluding those who do not meet the PPTS definition. The longer-term need to 2031 is for a further 11 pitches giving a total pitch need of 30 from 2018 to 2031.
18. Therefore the TSD incorrectly portrays the current need for traveller pitches and so the preparation of the Plan has not been informed by a robust evidence base. This should be remedied in order to provide a sound basis for future planning. **MM3, MM4, MM5 and MM6** are recommended accordingly.
19. The Accommodation Assessment identifies a need for 9 plots for travelling showpeople by 2031. This arises from expanding households in the Ross-on-Wye area where the showpeople are currently based and is justified.

Issue 2 – Does the Plan identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target and of specific developable sites or broad locations for growth after those 5 years?

20. There is an immediate need for extra pitches in Herefordshire and there is an expectation in the PPTS that a 5 year supply of sites should be identified. Following on from the above findings the TSD should therefore aim to provide for at least 19 additional pitches that can be delivered in the next 5 years.
21. The Council's approach to calculating the adequacy of 5 year supply includes pitches completed since 2011 which is the start of the plan period of the Core Strategy. However, these pitches and the households living on them would have been counted as existing by the Accommodation Assessment in 2017. By that time those 20 pitches would already have been occupied and so would have formed part of the existing supply. Such a retrospective assessment does not therefore give a true picture of the current position. Accordingly the pitches permitted between 2011 and 2017 should not be used to reduce the up-to-date 5 year requirement.
22. Furthermore, the TSD assumes that the pitch requirement will be partly met by an annual turnover of 6 pitches on public sites. However, this is not realistic as it will not, in itself, create additional pitch capacity. Whilst relied upon in other examinations in South Worcestershire and Shropshire this approach does not take account of where those leaving existing pitches might move to. In fact, 3 families from one public site could 'swap' pitches with 3 families on another public site. This would give rise to an annual turnover of 6 pitches but no other families in need of a pitch would be accommodated. The reliance on turnover to meet existing needs is therefore flawed. Nevertheless, based on the evidence provided, it would be reasonable to allow for the creation of 1 net vacancy a year to reflect those likely to move into bricks and mortar from public pitches. **MM7** and **MM8** are recommended to ensure that the approach to turnover and vacancies expressed in the Plan is justified.
23. The proposed allocations in the TSD total 9 permanent pitches. Together with the net vacancy allowance the 5 year supply from 2018 to 2023 is therefore 14 pitches. The upshot is that, compared to the need over the equivalent period of 19 pitches, the Plan fails to provide sufficient sites in line with national policy. This is unsound given that the shortfall equates to about a quarter of the current unmet need.
24. In order to address this, the Council has put forward an extension to an existing site at Bosbury of 4 pitches as a means to increase capacity. For reasons given subsequently I conclude that this allocation is suitable and achievable. Table 2 setting out the list of allocated sites should be updated to reflect this in the interests of effectiveness (**MM10**).
25. Allocating this site would nevertheless not meet all the identified need as 1 pitch would be unaccounted for. The current application for the Bosbury site is nevertheless for 5 pitches and so might enable the need to be fully met. In any event, the Council has made several attempts at identifying suitable sites, including as part of the examination process, and these have not been especially fruitful. Rather than delay the adoption of the TSD for a further

search to be undertaken the balance of advantage lies in completing it now so that the proposed site allocations can be brought forward with confidence. This is explained by **MM11** and to ensure that the outcome is effective it is important to confirm that the 5 year supply figure is not a ceiling.

26. The PPTS indicates that for years 6-10 of the plan period a supply of specific, developable sites or broad locations for growth should be identified and, where possible, for years 11-15. The Council was not able to do this given the limited number of options put forward following the call for sites. However, the Council proposed a site at Stoney Street, Madley as a potential additional site for consultation in October 2018. Whilst not acceptable at this stage as an individual site, the work undertaken and evidence given at the hearing indicates that this is a broad location for growth that should be identified.
27. Furthermore, the review of the Core Strategy is due to commence at the end of 2019 and this will enable the longer-term need for pitches to be tackled. The text should be amended to commit the Council to a review of traveller sites in order to address this especially as a new site at Madley may be an option. This is achieved by **MM12** thereby ensuring the effectiveness of provision in the longer-term. Given that the imperative is to make provision to meet immediate need the absence of sites to cover the rest of the entire plan period is not a reason to find the TSD unsound.
28. For travelling showpeople some possibilities have been identified including one existing site where there may be potential for additional residential accommodation. The Showmen's Guild refers to making better use of existing sites and to the scope for more flexibility in utilising existing sites as extended families outgrow them. However, no owners have sought to bring expansion plans forward as part of the plan-making process.
29. The Council is therefore in something of a 'cleft stick' and although the need for extra plots is likely to occur over the plan period it is not immediate. The lack of identified sites in this context is therefore acceptable and Policy TS2 sets criteria for any proposals that might come forward. As the Council has exhausted all reasonable options the TSD is not unsound in relation to provision for showpeople.

Issue 3 – Are the criteria based policies fair in facilitating the traditional and nomadic life of travellers whilst respecting the interests of the settled community?

30. Policies TS1 and TS2 contain criteria relating to traveller pitches and plots for travelling showpeople respectively. They both contain more detailed provisions than Policy H4 of the Core Strategy but there is some overlap. However, such duplication does not make them unsound. The lists of criteria are lengthy but they cover issues of design, landscaping, access, amenity and other environmental considerations that reflect the NPPF and the PPTS. Judgements as to whether particular descriptors in the criteria are met will inevitably be required on a case-by-case basis but this does not detract from the general clarity the policies give about the expectations for new sites. Plans should provide a practical framework to enable decisions to be made rather than leave applications to be negotiated in an ad hoc manner.

31. However, in Policy TS1 matters relating to health and safety requirements are for site licensing. In addition, the requirements to explore the delivery of an on-site community building and provide details of animals kept and of grazing are overly onerous and unrelated to the provision of a residential pitch. Policy TS2 should make clear that development will be supported in certain circumstances rather than encouraged. Furthermore, the gradient of the site and its size is a matter for any applicant and referring to "suitable" access to the strategic road network does not convey what is meant. Main modifications to remedy these deficiencies are therefore recommended as **MM13** and **MM14** in the interests of effectiveness and so that the policies are justified.
32. Subject to them the policies are fair in facilitating the traditional and nomadic life of travellers whilst respecting the interests of the settled community.

Issue 4 – Are the proposed allocations justified, are they deliverable and do they contain sufficient detail?

33. The TSD allocates 9 permanent pitches on 4 sites at Grafton, Lower Bullingham, Bromyard and Pembridge. These would all be created on Council-owned land either within or as extensions to existing public sites. Given this the pitches would be suitably located and there are no overriding objections in relation to access, flooding, heritage assets or any other matter. Allocations TS4 – TS7 are therefore justified and the individual policies provide sufficient detail to guide their development.
34. Funding has been agreed for 3 pitches at Grafton and Bromyard and the monies for the other sites will be sought over the next 2 years. The Council will be making an application to Homes England for funding from the Shared Ownership and Affordable Homes Building Programme 2016-2021 to supplement or replace the Council's own contribution. Planning permission will be required in some cases but there is a reasonable prospect that the allocated sites could be completed and delivered within 5 years.
35. There is an existing permission for 2 pitches on the site at Bosbury. The extra 4 private pitches proposed would extend the site to the north but it is extremely well screened so that the impact on the largely rural surroundings would be minimal. There is a listed building approximately 200m away which should not be impacted by the proposed scale of development.
36. Within the Parish there is a relatively high concentration of traveller sites compared to the whole county. This amounts to about 10% of the pitches within around 1% of the area of Herefordshire. However, the Council estimates that traveller households would amount to about 5% of those in the Parish so that the scale of sites would not dominate the nearest settled community contrary to paragraph 14 of the PPTS. Moreover, relationships are currently good and there is no apparent reason why this could not be perpetuated here thereby promoting a peaceful and integrated co-existence.
37. There is concern that local schools and health facilities are already over-subscribed and that the new pitch residents, coupled with other commitments nearby, would exacerbate the situation. Whilst it is right to have regard to the cumulative impacts the additional 4 pitches would be likely to have a modest effect and would not in themselves lead to over-loading. In any event, the

Council's evidence is that services are not stretched to breaking point and any necessary infrastructure contributions could be sought at application stage.

38. Consequently the site at Bosbury is suitable and is necessary to meet the need for additional pitches. An application has been submitted for the land. This has been revised to propose 5 additional permanent pitches so the indication from the site owner is that the allocation is deliverable. **MM16** is therefore recommended to confirm the allocation and to include necessary guidance about access and landscaping at Policy TS8.
39. There are currently no transit pitches in Herefordshire. The proposed site (TS3) is adjacent to the A49 at Leominster and would provide 5 pitches to be occupied on a short stay basis to address unauthorised encampment issues. Such provision has the support of West Mercia Police (PS11) who consider that there is an urgent need for temporary stopping places in the county. The site itself is well located being immediately adjacent to the strategic road network and within relatively close proximity of the facilities in the town. Existing vegetation could also be retained to provide some screening and privacy.
40. About 70% of unauthorised encampments in Herefordshire between 2015 and 2017 comprise 5 caravans or less and could therefore be accommodated on the proposed site. The incidence of concurrent events is not frequent. The site is in the north of the county and occurrences are spread across it rather than being concentrated around Leominster. Whilst a second facility around Ross-on-Wye would be desirable it is better to make some provision rather than none. Indeed, once the availability of a transit site in Herefordshire becomes known amongst the traveller community it may be that travel plans would be altered to take advantage of it. The capacity and location of the site may not cover every eventuality but it would address most of the likely transit accommodation needs of travellers in line with the PPTS.
41. Access to the site would be gained directly from the A49 via an existing field gate just to the north of a roundabout and adjacent to a pedestrian crossing. The number of movements on and off the site would be comparatively few. Highways England raises no objections but the geometry of the access and forward visibility from the northbound A49 would need to be adequate. To minimise risk, consideration should be given to directional signage, further site fencing, vegetation treatment and a traffic management plan. These matters can be covered at the detailed application stage but should be included in the policy and supporting text to ensure that the site is developed effectively. This is addressed by **MM15**.
42. Funding to provide for the temporary stopping places will be pursued by the same route as the permanent pitches. In addition, the Council has retained capital receipts from the sale of a previous emergency stopping place which provides confidence that the site is deliverable. Indeed, subject to the main modifications recommended all the proposed allocations are justified, deliverable and contain sufficient detail.

Public Sector Equality Duty

43. In undertaking the examination, I have had due regard to the equality impacts of the TSD in accordance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010. This, amongst other things, sets out the

need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not.

44. The TSD is directly aimed at gypsies and travellers who are a group with a protected characteristic because of race and others may be included because of age, disability or for other reasons. Promoting equality and social inclusion was one of the objectives identified in the Sustainability Appraisal. The Plan allocates additional sites for travellers having regard to identified needs and so should directly benefit those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic.
45. No provision is made for those with a protected characteristic outside the definition of gypsies and travellers in the PPTS. However, as explained previously, that is not the focus or intent of the TSD and so its provisions in this respect are proportionate. There is also no compelling evidence that the TSD would bear negatively on them or others in this category.

Assessment of Legal Compliance

46. My examination of the legal compliance of the Plan is summarised below.
47. The TSD has been prepared in accordance with the Council's Local Development Scheme of January 2015.
48. Consultation on the TSD and the MMs was carried out in compliance with the Council's Statement of Community Involvement of January 2017.
49. Sustainability Appraisal has been carried out and is adequate.
50. The Habitats Regulations Assessment concludes that because of the distance of most habitats sites from the proposed traveller sites and the very small scale of development, there is unlikely to be any significant effects on them including the River Wye Special Area of Conservation. Natural England agree with this finding on the basis that the TSD is in line with the Core Strategy.
51. In conjunction with the Core Strategy and as it includes site allocations that may reduce the need for long-distance travelling and possible environmental damage caused by unauthorised encampment, the TSD contributes to the mitigation of, and adaptation to, climate change.
52. The TSD complies with all relevant legal requirements, including the 2004 Act and the 2012 Regulations.

Overall Conclusion and Recommendation

53. The Plan has a number of deficiencies for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
54. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Herefordshire Travellers' Sites

Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Smith

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

Herefordshire Travellers Sites DPD Examination – Main Modifications

New wording to policies and the explanatory text is underlined and wording deleted from policies or text is shown as crossed out.

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>									
MM1	Paragraph 2.5	These definitions apply to land use planning purposes only and do not relate to ethnicity. However ethnicity is not determined by accommodation choice and it is understood that the definition in the planning policy guidance is currently the subject of legal challenge. <u>The PPTS makes clear that it is referring to Travellers who meet the definition in Annex 1. Therefore, this DPD addresses the accommodation needs of those Travellers who meet the definition set out in the PPTS. The accommodation needs of the Travellers that do not meet the definition will be provided for in the Core Strategy Review.</u>									
MM2	Paragraph 4.7	The latest GTAA update took into account the revised definition in the PPTS. Through interviews with 74.8% of the Traveller households living on pitches in the county, the consultants identified what proportion of these would meet the PPTS definition in terms of how often they travel, when they last travelled, and when they intend to travel in the future. The latest GTAA therefore identifies a pitch requirement based on the PPTS definition but they also looked at a requirement for pitches based on ‘cultural need’ <u>was also included</u> . That is, the need for new pitches for those Travellers that do not need the PPTS definition but are ethnically gypsies and Travellers. Therefore the GTAA identifies two different sets of requirements for pitches based on this approach as set out below <u>but this DPD focuses on making provision for those Travellers meeting the definition set out in the PPTS in line with Government guidance.</u>									
MM3	Table 1	<p><u>Table 1 extract from GTAA 2017</u></p> <table border="1"> <thead> <tr> <th colspan="3">Table 6.1 – Overall plan period Gypsy and Traveller pitch need</th> </tr> <tr> <th></th> <th>Cultural need</th> <th>Of which: PPTS need</th> </tr> </thead> <tbody> <tr> <td>-</td> <td></td> <td></td> </tr> </tbody> </table>	Table 6.1 – Overall plan period Gypsy and Traveller pitch need				Cultural need	Of which: PPTS need	-		
Table 6.1 – Overall plan period Gypsy and Traveller pitch need											
	Cultural need	Of which: PPTS need									
-											

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>		
		Historic Pitch need 2011/12 to 2016/17	17	6
		5yr Pitch need (2017/18 to 2021/22)	48	17
		Longer-term Pitch need (2022/23 to 2030/31)	26	10
		TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
		TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
		Expected turnover on LA sites over the Plan Period	84	84
		RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed
		Delete above table and replace with		
		Table 1 Overall plan period Gypsy and Traveller pitch need		
		Revised Table 5.3 Overall plan period Gypsy and Traveller pitch need		
			Cultural need	Of which: PPTS need
		5yr pitch need (2018/19 to 2022/23)	52	19
		Longer-term need to 2023/24 to 2030/31	31	11
		TOTAL pitch need 2018/19 to 2030/31 (Local Plan Period)	83	30

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
MM4	Paragraph 4.8	The GTAA partial update 2017- 8 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/ 189 to 2021/ 22 22/23 equating to 48 52 pitches under a cultural definition, and as a subset of this number, 17-19 pitches under the PPTS 2016 definition of Gypsy and Traveller (those who still travel and /or intend to travel). To the end of the Local Plan period the GTAA has identified a cultural need for a further 31 pitches and, as a subset of this number, a PPTS need for a further 11 pitches. Total pitch need is therefore 30 for those complying with the PPTS definition and 83 based on cultural need.
MM5	Paragraph 4.9	For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.
MM6	Paragraph 4.10	For the remaining local plan period (2017/18 to 2031/32) the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.
MM7	Paragraph 4.11	The GTAA includes consideration of how turnover on sites may impact on the supply of pitches. Turnover takes into account the effect of a pitch being vacated by one resident and then becoming available for another occupant and may impact on the supply of pitches . Taking into account a An anticipated average annual turnover of 6-1 pitches on local authority sites during the remainder of the plan period (2017/ 8 189 to 2031/ 0 321), this equates to 84 pitches becoming available has been allowed for . Therefore, both the cultural and PPTS shortfalls are likely to be addressed through turnover. However there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements.
MM8	Paragraph 4.12	As stated above the GTAA identifies a requirement of 33 pitches between 2011 and 2031. There have been 18 completions of traveller pitches between 2011 and 2017 leaving a residual requirement of 15 for the plan period. Therefore the five year requirement is between 5 and 6 pitches. The development of sites identified in this document will more than meet this requirement. Therefore at this stage there is no need to identify any further sites for the remaining plan period but this will be kept under review through regular GTAA updates and with regard to the outcome of the legal challenge to the PPTS definition. The GTAA recommends that this evidence base is refreshed on a five yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. These

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>										
		updates will ensure that the impact of turnover on the supply of sites is monitored and its implications for the five year supply of sites is monitored and its implications for the five year supply is kept under review.										
MM9	Paragraph 4.13	<p>The focus for the allocation and delivery of the additional pitches is to make the most efficient use of land and service provision by increasing the number of pitches within council owned sites, where there is capacity to do so, and by extending the council owned sites. This approach provides both certainty of delivery and will also contribute to meeting the demands of the waiting lists for these sites. <u>In addition pitches are also allocated as an extension to an existing privately owned site. A broad location for growth is identified that may help meet the accommodation needs of years 6-10 (i.e. 2023/4 to 2027/8).</u> Although only these sites are allocated in the document it is recognised that there will still be a demand for new small private sites as some families would rather live as a family unit on their own site. <u>Together, this also provides the opportunity for a greater mix of tenure and own-ownership and also provide certainty of delivery.</u> Therefore any applications received for such sites <u>In addition to these allocations planning applications for additional pitches</u> will be considered against the relevant policies of the Core Strategy and this DPD regardless of whether the five year requirement has been met.</p>										
MM10	Table 2	<p>Proposed allocations for residential pitches for Travellers Table 2: Total number of residential pitches allocated</p> <table border="1" data-bbox="658 1026 1839 1396"> <thead> <tr> <th data-bbox="658 1026 1249 1091">Site Name</th> <th data-bbox="1249 1026 1839 1091">Number of Pitches</th> </tr> </thead> <tbody> <tr> <td data-bbox="658 1091 1249 1157">Romany Way Grafton</td> <td data-bbox="1249 1091 1839 1157">1</td> </tr> <tr> <td data-bbox="658 1157 1249 1267">Extension to Orchard Caravan Park, Lower Bullingham</td> <td data-bbox="1249 1157 1839 1267">2</td> </tr> <tr> <td data-bbox="658 1267 1249 1332">Openfields Bromyard</td> <td data-bbox="1249 1267 1839 1332">2</td> </tr> <tr> <td data-bbox="658 1332 1249 1396">Extension to Pembridge</td> <td data-bbox="1249 1332 1839 1396">4</td> </tr> </tbody> </table>	Site Name	Number of Pitches	Romany Way Grafton	1	Extension to Orchard Caravan Park, Lower Bullingham	2	Openfields Bromyard	2	Extension to Pembridge	4
Site Name	Number of Pitches											
Romany Way Grafton	1											
Extension to Orchard Caravan Park, Lower Bullingham	2											
Openfields Bromyard	2											
Extension to Pembridge	4											

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>	
		<u>Extension to Oakfield Nash End Lane</u>	<u>4</u>
		TOTAL	<u>9-13</u>
MM11	Paragraph 4.14	<p>All these sites have ongoing waiting lists and there is therefore an identified demand for an increased number of pitches. <u>With an allowance of 1 pitch per year contributing to supply from turnover of pitches this will equate to a supply of 18 for the period up to 2022/23. It should be noted that the figure for the five year requirement is a minimum and there is a longer term requirement (as set out Table 1) still to be met. This will be achieved through the review of the Core Strategy and /or planning applications granted in the interim. The five year supply figure should not be regarded as a target which is not to be exceeded given the longer term requirements.</u></p>	
MM12	New paragraphs to follow current paragraph 4.14	<p><u>Land at Stoney Street, Madley was included in the additional sites consultation that was carried out as part of the examination of the Travellers Sites DPD. This brownfield site was previously used as an emergency stopping place for Travellers that was owned and managed by Herefordshire Council. Planning permission was granted in 2014 for B2 General Industrial Uses under the Use Class Order. This permission was never implemented and the site has now become available for redevelopment as a private residential traveller pitches. However, it is affected by significant issues arising from its proximity to an industrial estate in relation to the impact of noise on the future residents of the site and the potential conflict with commercial vehicles entering and leaving the adjoining estate. Consequently this site has not been taken forward as part of this DPD.</u></p> <p><u>Nevertheless there may be potential for land to be found in the vicinity of Stoney Street as part of the review of the Core Strategy. It is therefore identified as a possible broad location for growth in the medium term (2023-2028) in accordance with the PPTS although subject to ensuring that any site can comply with the provisions of Policy TS1. The Council will seek to take this forward as part of the review process.</u></p>	

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
MM13	Paragraph 5.1 Policy TS1	<p>Add the following text in paragraph 5.1 after the first sentence. <u>“Gypsy and Traveller sites may vary in their layout and type of development. Sites managed by Herefordshire Council are made up of a number of pitches which consist of hardstanding for a caravan and /or mobile home as well as a separate amenity block with cooking and washing facilities. Private sites which are either individual or small family sites often have either a small area of hardstanding or none at all and often do not include a separate permanent amenity block.”</u></p> <p>Policy TS 1 – Residential Traveller Pitches and Sites Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:</p> <ol style="list-style-type: none"> 1 an overall good quality of design which respects the setting of the site and the local landscape character. 2 a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities. 3 amenity blocks, <u>where included, should be</u> are sensitively designed and sited using appropriate materials for the area. 4 <u>any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced.</u> Any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets <u>should</u> can be satisfactorily mitigated. 5 a suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing. 6 existing trees and hedgerows which are import to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site. 7 a safe area for children to play should be is included in the site layout where required. 8 safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site. 9 suitable arrangements for <u>clean water supply,</u> foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems particularly for permeable surfaces are maximised. 10 that any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not <u>result in an adverse</u> impact on the amenity of any local residents <u>or other land users.</u>

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
		<p>11 external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.</p> <p>12 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures on site and between structures which meet fire safety standards.</p> <p>In addition to the above:</p> <p>a) opportunities to deliver an on-site shared community building should be explored.</p> <p>b) Details of any animals to be kept on the site and associated requirements for grazing areas should be provided.</p>
MM14	Paragraph 5.2 Policy TS2	<p>The GTAA identifies a need for nine travelling showpeople plots to 2031. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage these sites to come forward for this purpose. The requirement will be met through the planning application process. and Policy TS2 seeks to encourage the supply of suitable sites and recognises the differences in the site requirements for travelling show people plots in comparison with other traveller sites. In particular they usually require sufficient space for both living accommodation as well as for the storage and maintenance of fairground equipment. Because of the specific requirements and differences to the other traveller sites and given that there are no allocations for show people plots land, this enabling policy aims to encourage the provision of additional showpeople sites is included. Regard has been had to the Showman’s Guild’s document “A Planning Focus Model Standard Package - Revised September 2007”.</p> <p>Policy TS2 – Travelling Showpeople plots</p> <p>Proposals Planning applications for new plots for Travelling Show People will be supported encouraged to meet the identified need where they meet the following criteria conform to Policy H4 of the Core Strategy and achieve the following:</p> <ol style="list-style-type: none"> 1. The site should be relatively level and large enough able to accommodate residential accommodation as well as space and or buildings for storage and maintenance of equipment if required.

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
		<p>2. The site should have satisfactory vehicular access, suitable for the safe and convenient movement into and out of the site of large vehicles including those carrying fairground equipment.</p> <p>3. The site should have suitable access be in reasonable proximity to the strategic road network.</p> <p>4. Measures to reduce the risk of flooding should be incorporated into the design and layout. Permeable surfaces should be incorporated to minimise surface water run-off. Suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage should be included in the design and opportunities for sustainable drainage systems area maximised.</p> <p>5. The commercial activity of the site should not impact on the amenity of local residents or and other land users. Planning conditions may be considered to reduce any the impact from noise on to nearby residential properties or businesses.</p> <p>6 Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures to meet fire safety standards.</p> <p>7 An overall good quality of design which respects the setting of the site, and the local landscape character, the character and significance of designated and undesignated heritage assets and minimises any impacts on biodiversity assets.</p> <p>8 The site boundary treatment reflects local character, local materials and local colour. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged.</p> <p>9 Existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.</p> <p>10 Where required, a safe area for children to play should be incorporated into the design.</p> <p>11 External lighting should be is kept to a minimum and should be directed down to the ground, to avoid light pollution.</p>
MM15	TS3 Paragraph 6.2 Paragraph 6.4 Paragraph 6.5	<p>Site Type: Temporary Stopping Place of 5 pitches Policy TS3 Proposals for development at this site should:</p> <ol style="list-style-type: none"> 1. Provide an area of hardstanding for <ul style="list-style-type: none"> ○ towing vehicles and caravans for short stays only

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
		<ul style="list-style-type: none"> ○ temporary sanitation and waste management facilities to be brought on site when it is occupied and removed at the end of the stay. <ol style="list-style-type: none"> 2. Not include any permanent structures apart from a small building for administrative purposes if deemed necessary. 3. Demonstrate appropriate vehicular access and turning space into and within the site 4. Demonstrate that there would be no potential adverse impact on the River Lugg SSSI. 5. Retain where possible and enhance existing semi mature native trees on the boundary of the site to mitigate any landscape impact and to provide privacy to the site. 6. Apply principles of sustainable urban drainage systems in the design. 7. Provide a 1.8m high steel palisade fencing to prevent access onto the railway line and other fencing to prevent access onto the highway. <p>6.2 This site is located on a strategic highway network and is therefore provides a suitable location for travellers passing through the county this type of use. A traffic management plan will be required to support a planning application to ensure that the number of turning movements into the site across other traffic streams is minimised and to address any additional signage requirements. There are pedestrian and cycle links into Leominster from the site where there is good access to a range of services and facilities.</p> <p>6.4 The site is partially visually contained by existing semi mature native woodland on site. Further planting will be required to enhance this where this does not impact on the visibility of the access to the site. Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure.</p> <p>6.5 A railway line is adjacent to the western boundary of the site. Therefore it is imperative that suitable safety fencing is installed and maintained to prevent access on to the railway line. Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure. Similarly the road side part of the site will need to be securely fenced to reduce the risk of children or stray animals entering the highway.</p>

<u>Modification number</u>	<u>Paragraph / Policy reference</u>	<u>Main modification</u>
MM16	New Policy TS8	<p><u>Oakfields, Nashend Lane, Bosbury</u></p> <p><u>Insert location map</u></p> <p><u>Site Type – Private</u></p> <p><u>Proposed allocation of four additional pitches</u></p> <p><u>Policy TS8</u></p> <p><u>Proposals for the development of this site should:</u></p> <ol style="list-style-type: none"> <u>1. Provide 4 additional residential pitches.</u> <u>2. Demonstrate appropriate vehicular access and turning space within the site</u> <u>3. Make provision for landscaping in accordance with policy TS1.</u> <p><u>Explanation:</u></p> <p><u>This is an existing private site that is situated between Bosbury and Cradley. The site area is relatively well screened. This should be retained and opportunities for any enhancement explored. Should the access at the north of the site be brought into use then consideration should be given to moving the access back to improve northbound visibility. Details of the drainage strategy and the waste collection arrangements should be provided.</u></p>

Herefordshire Traveller Sites Development Plan Document Proposed Additional Modifications

May 2019

Additional Modifications

This schedule includes a list of proposed additional modifications to the Herefordshire Travellers Sites Development Plan Document (DPD). These do not relate to the soundness of the plan, unlike the main modifications, and are therefore not subject to consultation. **This schedule is published for information purposes only.**

This schedule includes modifications that have arisen from the hearing sessions that took place on 22nd May 2018 and 18th March 2019. It also includes additional modifications that were included in the Schedule of Suggested Minor Changes that was submitted to the Secretary of State in February 2018 (where these have not been superseded).

1. The suggested additional modifications are listed in the order they appear in the pre-submission version of the plan.
2. For each amendment, information on the proposed change and the reason for the change is given. Where new text is proposed it has been underlined. Where it is proposed to delete wording from policies or text this is shown as crossed out.
3. Each additional modification has been given a reference number beginning 'AM'
4. Some further additional modifications may be made by the Council as necessary before adoption of the Traveller Sites DPD.
5. The main and additional modifications have been incorporated into a track change version of the Traveller Sites DPD for reference purposes

All the documentation is available at:

https://www.herefordshire.gov.uk/info/200185/local_plan/796/travellers_sites_document_examination/1

Additional Modification number	DPD Paragraph	Proposed modification	Reason
AM1	Paragraph 1.1	The council is preparing a number of planning documents known as the Local plan to guide development and change in the county over the next 20 years. When the Travellers Sites Development Plan is adopted it will be part of the Herefordshire Local Plan 2011—2031. <u>This adopted Travellers Sites Development Plan Document (DPD) forms part of the Herefordshire Local Plan. The policies of the DPD should be considered in conjunction with the policies of the Core Strategy.”</u>	To update the plan for adoption and to clarify the relationship with the Core Strategy.
AM2	Paragraph 1.2	The current stage in the process of preparing the Travellers Sites Development Plan Document is the publication of a Pre-Submission Publication version. Following this, the Development Plan document will then be submitted to Secretary of State for Department of Communities and Local Government for examination. When adopted the development plan document will be used for development control purposes to determine applications for new Gypsy and Traveller pitches.	This paragraph is no longer required in the adopted DPD.
AM3	Paragraph 2.1	Delete additional full stop at end of paragraph.	Correct typographical error.
AM4	Section 3 Previous consultation stages	Previous Consultation Stages Issues and Options 3.1 — An issues and options Paper was published for consultation in August 2014. This document focused on how any need for Traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Showpeople could come forward. It looked at the best approach or “options” for how sites and broad locations of search can be identified to meet existing and any future need. However it did not look at individual sites. The responses received to this consultation are set out in the Issues and Options Results Report September 2015.	Deleted as not necessary to include detail about the plan making process in the adopted plan.
AM5	Paragraph 3.2	Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2015 The council appointed independent consultants to assess how many pitches will be needed in the county up to 2031. The findings of this assessment were consulted on in February/March 2015 and changes were made with an updated version issued in	Paragraph deleted as now unnecessary given the changes made to the GTAA figures as a result of discussions at the first hearing session and also in view

Additional Modification number	DPD Paragraph	Proposed modification	Reason
		November 2015. (An update to the GTAA was carried out in July 2017. Comments on this will be sought as part of the pre-submission publication.)	of references to GTAA in paragraph 4.2
AM6	Paragraph 3.3	<p>Preferred Options Document 2016</p> <p>3.3 — A preferred options document was published for consultation between July and September 2016. It identified 8 sites for consideration for traveller accommodation. The responses to this can be found on the Councils website</p>	Deleted as not necessary to include detail about former stages of the plan.
AM7	Paragraphs 3.4 – 3.7	<p><u>Sustainability Appraisal (SA) is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The process assesses the impact of the DPD on the environment, people and the economy. It incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’, which implement the requirements of the European Directive 2001 /42/ EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues. This DPD has been assessed against various sustainability criteria at the different stages of plan preparation and the results can be found in the Sustainability Appraisal.</u></p> <p><u>The DPD has also been subject to Habitats Regulations Assessment (HRA) screening to assess whether there would be likely significant effects on sites of international importance for wildlife (European designated sites). Where a land use plan is likely to have a significant effect on such sites, an appropriate assessment must be carried out of the implications in respect of their conservation objectives. The screening exercise has considered potential effects on European sites within and around Herefordshire. Overall, it was concluded that no likely significant effects will occur</u></p>	Insert new paragraphs to explain context of SA/ HRA and update. Remove detail about the various processes during the plan preparation.

Additional Modification number	DPD Paragraph	Proposed modification	Reason
		<p><u>as a result of the inclusion of the allocated additional sites in the Travellers' Sites DPD.</u></p> <p>The Habitats Regulations Assessment and the Sustainability Appraisal (SA) of the preferred options DPD can be viewed at: https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/Travellers-sites-document.</p> <p>3.5 — These appraised the sites included in the Preferred Options DPD and the findings and recommendations have been incorporated into this pre-submission publication. A further HRA and SA will be carried out on the pre-submission draft</p> <p>3.6 — The preferred options HRA concluded that the European sites are some distance away from the proposed Travellers' sites and are unlikely to be affected by the proposals, due to their scale. The only European site in close proximity to any of the proposed sites is the River Wye SAC and the HRA did identify that four of the sites are close enough to the SAC that recreational activities could increase physical disturbance/damage, or erosion/trampling. However, it concluded that in all cases, the scale of development is very small and unlikely to result in significant effects. It also stated that mitigation for this possible risk could be found in Core Strategy policies. For example Policy H4 specifies that sufficient on-site play areas should be provided on Traveller Sites. Additionally Core Strategy policies OS1-OS3, relate to open space, sport and recreation provision. Policies TS1 and TS2 of this DPD include a requirement for play areas and this will help to address the concerns raised in the HRA.</p> <p>3.7 — The SA identified a range of possible effects resulting from the development of the sites included in the Preferred Options document. It concluded that in general, the three preferred sites that are located close to the main towns of Herefordshire are likely to have the most positive effects on the SA objectives because they should</p>	

Additional Modification number	DPD Paragraph	Proposed modification	Reason
		offer good access to job opportunities, services and facilities and public transport links. As with all of the preferred sites, the three sites closest to the main towns of Herefordshire could still have negative effects on other SA objectives, particularly those relating to the environmental topics. It advised that careful consideration therefore needs to be given to the ways that these effects could be mitigated and that close attention should be paid to mitigating the significant negative effects identified for each site. Not all of the sites that were included in the preferred options are included in the pre-submission draft.	
AM8	Paragraph 4.1	In total there are 129 133 authorised pitches across the county.	To update text to take into account new planning permissions granted since the publication of the pre-submission draft and to be consistent with the revised table 5.3 of the GTAA.
AM9	Paragraph 4.2	Local authorities are required to assess the accommodation needs of Gypsies and Travellers either living in, or resorting to their area. <u>The Gypsy and Traveller Accommodation Assessment (GTAA) is the key evidence base for the requirement for new pitches. Various updates of the GTAA were produced as part of the plan making process and final amendments were made in light of the outcome of the hearing sessions.</u> Herefordshire Council appointed independent consultants ARC4 to carry out a Gypsy and Traveller Accommodation Needs Assessment. An initial report setting out Arc4's findings was published in February 2015. This was made available for public consultation until mid-March 2015 and in May 2015 the responses to queries raised during that consultation were published. The queries related to the methodology used for working out the figures particularly in relation to how 'turnover' of pitches had been applied. Turnover relates to the effect of a pitch being vacated by one resident and then becoming available for another occupant. As a result of these concerns an update was carried out with the final version published in November 2015. A further update was carried out in the summer of 2017.	To amend text to provide update information regarding the GTAA and also to remove text about the detail of the various stages of the plan.

Additional Modification number	DPD Paragraph	Proposed modification	Reason
AM10	5.1	In paragraph 5.1 amend typographical error as follows: “.....conjunction with Core Strategiesy policies.....”	To correct error.
AM11	Paragraph 7.3	The Gypsy and Traveller Accommodation Assessment will be review every five years requirement for pitches will be assessed on a regular basis. All of the data collected as described above will feed into this five yearly review. The accommodation requirements for Travellers not meeting the PPTS definition will be assessed as part of the Core Strategy Review.	To update to explain that the accommodation need of travellers not meeting the PPTS definition will be addressed.

Herefordshire Local Plan Travellers' Sites Development Plan Document

Incorporating all modifications
Recommended in Inspectors Report

October ~~June~~ 2019



Herefordshire Council

Traveller Sites DPD Pre Submission Consultation

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1.0 Introduction

- 1.1 The council is preparing a number of planning documents known as the Local Plan to guide development and change in the county over the next 20 years. ~~When the Travellers Sites Development Plan is adopted it will be part of the Herefordshire Local Plan 2011—2031.~~ **This adopted Travellers Sites Development Plan Document (DPD) forms part of the Herefordshire Local Plan. The policies of the DPD should be considered in conjunction with the policies of the Core Strategy.**
- 1.2 ~~The current stage in the process of preparing the Travellers Sites Development Plan Document is the publication of a Pre-Submission Publication version. Following this, the Development Plan document will then be submitted to Secretary of State for Department of Communities and Local Government for examination. When adopted the development plan document will be used for development control purposes to determine applications for new Gypsy and Traveller pitches.~~
- 1.3 **2** There has been a travelling community in Herefordshire for the last 500 years. Travellers live in different ways, including permanently ‘on the road’, in caravans or mobile homes, or in settled accommodation (for part or all of the year).
- 1.4 **3** Nationally, Travellers can face inequalities in terms of access to a range of services and this can affect their life outcomes. Statistics about the Herefordshire Traveller population demonstrate that in general terms this is no exception in Herefordshire. The council seeks to address these inequalities and achieve better outcomes for the Traveller population through its housing, planning, education, social care and licensing functions and in partnership with the West Mercia Constabulary and the Voluntary Sector. Improvements have already been achieved through the refurbishment of some local authority owned sites and there are better than nationally average high school take up rates and GCSE results for traveller children. However the traveller community continue to face inequalities both nationally and in Herefordshire.
- 1.5 **4** The multi-agency Herefordshire Gypsy and Traveller Strategy Group recognises the need to co-ordinate the response of public services for Gypsy and Traveller families to effectively address inequalities and to meet the requirements of the Equality Act 2010.
- 1.6 **5** Ensuring the provision of good quality and a sufficient supply of accommodation for Gypsy and Travellers is key to helping to address these inequalities. The development plan document addresses the provision of three different types of traveller accommodation as follows:
- Residential pitches which provide a permanent base for travellers.
 - Winter quarters for Travelling Showpeople
 - Temporary stopping places where travellers passing through the County can

reside for a specified temporary period.

1.7 6 By ensuring that there is an adequate supply of pitches on authorised sites, the following can be achieved:

- Conformity with national planning policy and the Equality Act 2010
- Providing decent accommodation for the Travelling Community
- Provide greater opportunities to access a range of facilities particularly health and education, therefore providing better opportunities for improved life outcomes.
- Help to reduce the number of unauthorised sites where Traveller families are more likely to experience poor outcomes in terms of access to health and education services.
- Opportunities for greater social interconnection between the travelling and settled community.

1.8 7 By providing greater certainty about meeting the future accommodation needs for the Travelling Community the plan will contribute to working towards the Vision set out in the Core Strategy:

Herefordshire will be a place of distinctive environmental, historical and cultural assets and local communities, with sustainable development fostering a high quality of life for those who live, work and visit here. A sustainable future for the county will be based on the interdependence of the themes of social progress, economic prosperity and environmental quality with the aim of increasing the county's self-reliance and resilience.

2.0 National and Local Policy Background

Government Guidance

2.1 The National Planning Policy Framework (NPPF)¹ sets out the Government's planning policy on a range of matters. It states that local planning authorities preparing plans for and taking decisions on travellers' sites should have regard to the relevant of the NPPF and the Planning Policy for Travellers August 2015² (PPTS). -

2.2 The PPTS sets out detailed government guidance for the provision of traveller accommodation. It states that "The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

community” (paragraph 3). It sets out the considerations that local planning authorities need to take into account in preparing policies for Traveller sites and number of criteria to be considered when allocating new sites for development and requires local planning authorities to ensure that traveller sites are sustainable economically, socially and environmentally.

- 2.3** For the purposes of planning the ‘Planning Policy for Traveller sites’, defines Gypsies and Travellers as “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such”.
- 2.4** The Planning Policy for Traveller Sites defines Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.
- 2.5** These definitions apply to land use planning purposes only and do not relate to ethnicity. ~~However ethnicity is not determined by accommodation choice and it is understood that the definition in the planning policy guidance is currently the subject of legal challenge.~~ **The PPTS makes clear that it is referring to Travellers who meet the definition in Annex 1. Therefore, this DPD addresses the accommodation needs of those Travellers who meet the definition set out in the PPTS. The accommodation needs of the Travellers that do not meet the definition will be provided for in the Core Strategy Review.**

Herefordshire Local Plan Core Strategy

- 2.6** Core Strategy Policy H4, sets out the commitment to produce a Travellers Sites Document. This will form part of the local plan and will allocate sites for a five year supply of the required number of pitches for Gypsies and Travellers, transit sites (for temporary stays and redirection from unauthorised encampments) and consider the need and approach to sites for Travelling Showpeople.

Policy H4 – Traveller sites

The accommodation needs of travellers will be provided for through the preparation of a Travellers' Sites Document (DPD) which will include site specific allocations.

In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment
3. they promote peaceful and integrated co-existence between the site and the local community
4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of Travellers)
5. they avoid undue pressure on local infrastructure and services
6. in rural areas, the size of the site does not dominate nearby settled communities and
7. they are capable of accommodating on-site facilities that meet best practice for modern Traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable Traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.

- 2.7** The Government's Planning Policy for Traveller Sites states that local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However it does recognise that there may be circumstances when there are exceptions to this in order to deliver affordable Traveller sites in rural areas that remain affordable in perpetuity. The accommodation assessment does not identify a specific need for affordable provision but Policy RA3 of the Core Strategy sets out the circumstances when residential development will, in principle, be acceptable outside the County's settlements. This includes Gypsy and Traveller sites where proposals for sites meet the criteria of Policy H4.

Policy RA3 – Herefordshire's countryside

In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria:

1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or
3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or
4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
5. is rural exception housing in accordance with Policy H2; or
6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or
7. is a site providing for needs of gypsies or other travellers in accordance with Policy H4.

2.8 The Equality Act 2010 recognises Romany Gypsies and Irish Travellers as being distinct ethnic groups and protects them from discrimination. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.

2.9 Herefordshire Council's Equality Policy 2017 – 2019 evidences the council's compliance with the Equality Act 2010 and demonstrates its commitment to equality and dignity, and respect for human rights. It includes one objective relating to Gypsy, Roma and Traveller Families as follows:

“To Agree on a location, and develop a transit site/temporary stopping place in Herefordshire. We will do this by:

- *working with the Gypsy, Roma & Traveller community and local partners (such as Police) to identify a suitable site*
- *addressing community cohesion issues in the chosen locality*

To Produce a Gypsy, Roma & Traveller strategy with associated actions to improve facilities and services for GRT communities. We will do this by:

- *focusing on key areas such as education, employment, accommodation and health”*

The DPD is a key factor in contributing to the achievement of this objective.

Duty to Cooperate

2.10 Local planning authorities and other public bodies are required to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified.

2.11 The Council has focused on meeting its own needs and is not relying on neighbouring authorities to assist. Equally it has not been asked to assist in meeting the gypsy and traveller accommodation needs of any neighbouring authorities. Discussions have taken place with all the adjoining local planning authorities during the preparation of the plan in order to identify any opportunities

for shared traveller provision particularly in respect of temporary stopping places. However it has not been possible to identify such an opportunity. The Council will nevertheless continue to engage with neighbouring local authorities as part of the ongoing cooperation process.

Relationship with Neighbourhood Plans

- 2.12** A separate plan is being prepared for Traveller Sites because it addresses the strategic planning issue of how the county wide need for accommodation for travellers is met. Therefore it is more appropriate to address the issue in a single county- wide document rather than in individual Neighbourhood Plans.

3.0 Previous Consultation Stages

Issues and Options

- 3.1** An issues and options Paper was published for consultation in August 2014. This document focused on how any need for Traveller accommodation in Herefordshire should be met, by identifying the possible ways in which sites for permanent and transit pitches and plots for Travelling Showpeople could come forward. It looked at the best approach or “options” for how sites and broad locations of search can be identified to meet existing and any future need. However it did not look at individual sites. The responses received to this consultation are set out in the Issues and Options Results Report September 2015³.

Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2015

- 3.2** The council appointed independent consultants to assess how many pitches will be needed in the county up to 2031. The findings of this assessment were consulted on in February/March 2015 and changes were made with an updated version issued in November 2015. (An update to the GTAA was carried out in July 2017. Comments on this will be sought as part of the pre-submission publication.)

Preferred Options Document 2016

- 3.3** A preferred options document was published for consultation between July and September 2016. It identified 8 sites for consideration for traveller accommodation. The responses to this can be found on the Councils website⁴

³https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_2015.pdf

⁴https://www.herefordshire.gov.uk/downloads/file/5534/summary_of_the_responses_to_travellers_sites_consultation

3.0 Habitats Regulations Assessment (HRA) and Sustainability Appraisal

- ~~(SA) 3.4~~—The Habitats Regulations Assessment and the Sustainability Appraisal (SA) of the preferred options DPD can be viewed at: https://www.herefordshire.gov.uk/planning-and-building-control/planning_policy/travellers-sites-document.
- ~~3.5~~ These appraised the sites included in the Preferred Options DPD and the findings and recommendations have been incorporated into this pre-submission publication. A further HRA and SA will be carried out on the pre-submission draft
- ~~3.6~~ The preferred options HRA concluded that the European sites are some distance away from the proposed travellers' sites and are unlikely to be affected by the proposals, due to their scale. The only European site in close proximity to any of the proposed sites is the River Wye SAC and the HRA did identify that four of the sites are close enough to the SAC that recreational activities could increase physical disturbance/damage, or erosion/trampling. However, it concluded that in all cases, the scale of development is very small and unlikely to result in significant effects. It also stated that mitigation for this possible risk could be found in Core Strategy policies. For example Policy H4 specifies that sufficient on-site play areas should be provided on Traveller Sites. Additionally Core Strategy policies OS1-OS3, relate to open space, sport and recreation provision. Policies TS1 and TS2 of this DPD include a requirement for play areas and this will help to address the concerns raised in the HRA.
- ~~3.7~~ The SA identified a range of possible effects resulting from the development of the sites included in the Preferred Options document. It concluded that in general, the three preferred sites that are located close to the main towns of Herefordshire are likely to have the most positive effects on the SA objectives because they should offer good access to job opportunities, services and facilities and public transport links. As with all of the preferred sites, the three sites closest to the main towns of Herefordshire could still have negative effects on other SA objectives, particularly those relating to the environmental topics. It advised that careful consideration therefore needs to be given to the ways that these effects could be mitigated and that close attention should be paid to mitigating the significant negative effects identified for each site. Not all of the sites that were included in the preferred options are included in the pre-submission draft.

3.1 Sustainability Appraisal (SA) is a systematic process that must be carried out during the preparation of a Local Plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The process assesses the impact of the DPD on the environment, people and the economy. It incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations', which implement the requirements of the European Directive 2001 /42/ EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues. This DPD has been assessed against various sustainability criteria at the different stages of plan preparation and the results can be found in the Sustainability Appraisal.

3.2 The DPD has also been subject to Habitats Regulations Assessment (HRA) screening to assess whether there would be likely significant effects on sites of international importance for wildlife (European designated sites). Where a land use plan is likely to have a significant effect on such sites, an appropriate assessment must be carried out of the implications in respect of their conservation objectives. The screening exercise has considered potential effects on European sites within and around Herefordshire. Overall, it was concluded that no likely significant effects will occur as a result of the inclusion of the allocated additional sites in the Travellers' Sites DPD.

4.0 Requirements for Traveller Pitches and Plots Current supply in Herefordshire

4.1 In Herefordshire there are a number of small privately owned traveller sites and larger sites that are managed by Herefordshire Council. The private sites vary in size with small sites of 1-5 pitches typically being occupied by a single, extended family. In total there are 429 **133** authorised pitches across the county. In addition to this there are 10 Travelling Showpeople plots in Ross on Wye.

Evidence Base – Gypsy and Traveller Accommodation Assessment

4.2 Local authorities are required to assess the accommodation needs of Gypsies and Travellers either living in, or resorting to their area. **The**

Gypsy and Traveller Accommodation Assessment (GTAA) is the key evidence base for the requirement for new pitches. Various updates of the GTAA were produced as part of the plan making process and final amendments were made in light of the outcome of the hearing sessions.

~~Herefordshire Council appointed independent consultants Arc4 to carry out a Gypsy and Traveller Accommodation Needs Assessment. An initial report setting out Arc4's findings was published in February 2015. This was made available for public consultation until mid-March 2015 and in May 2015 the responses to queries raised during that consultation were published.⁵ The queries related to the methodology used for working out the figures particularly in relation to how 'turnover' of pitches had been applied. Turnover relates to the effect of a pitch being vacated by one resident and then becoming available for another occupant. As a result of these concerns an update was carried out with the final version published in November 2015.⁶ A further update was carried out in the summer of 2017.⁷~~

4.3 The GTAA considers the requirement for three different types of pitches:

- Residential pitches that can be a longer term base for a household.
- Travelling show people plots (sometimes referred to as Winter Quarters)
- Temporary stopping places / transit pitches

4.4 The typical requirements and characteristics for these are set out in the following paragraphs.

Residential Pitches:

4.5 Generally individual pitches on a Traveller site will include an area of hardstanding for a touring caravan and towing vehicle, and a larger static caravan. There will usually be a separate amenity block which will include toilet, washing and cooking facilities. Some larger structures have these facilities inside and in these cases there may not be a requirement for separate amenity blocks. Pitches may also include an area suitable for work space if required often related to tree surgery or gardening work. Traveller sites usually incorporate communal facilities such as play areas. In other parts of the country some traveller sites have a communal building.

⁵https://www.herefordshire.gov.uk/media/3900721/arc4_response_to_consultations_responses_herefordshire_gtaa_may2015.pdf

⁶https://www.herefordshire.gov.uk/media/8060233/results_report_for_issues_and_options_paper1_sept_

⁷

https://www.herefordshire.gov.uk/download/downloads/id/11829/herfordshire_gypsy_travellers_and_travelling_showperson_accommodation_assessment_update_final_report_july_2017.pdf

- 4.6 There is no published average area for pitch sizes. The number of pitches suggested for each site is based on a reference to the average pitch size on the Herefordshire local authority sites, which take into account spacing standards relating to fire safety and other issues.
- 4.7 The latest GTAA update took into account the revised definition in the PPTS. Through interviews with 74.8% of the Traveller households living on pitches in the county, the consultants identified what proportion of these would meet the PPTS definition in terms of how often they travel, when they last travelled, and when they intend to travel in the future. The latest GTAA therefore identifies a pitch requirement based on this PPTS definition but they also looked at a requirement for pitches based on 'cultural need' **was also included.** That is, the need for new pitches for those travellers that do not meet the PPTS definition but are ethnically gypsies and travellers. Therefore the GTAA identifies two different sets of requirements for pitches based on this approach as set out below **but this DPD focuses on making provision for those Travellers meeting the definition set out in the PPTS in line with Government guidance.**

Table 1 extract from GTAA 2017

Table 6.1 — Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which:- PPTS need
Historic Pitch need 2011/12 to 2016/17	17	6
5yr Pitch need (2017/18 to 2021/22)	48	17
Longer term Pitch need (2022/23 to 2030/31)	26	10
TOTAL Pitch need for the whole Local Plan Period (2011/12 to 2030/31)	91	33
TOTAL Pitch need for the remainder of the Local Plan Period (2017/18 to 2030/31)	74	27
Expected turnover on LA sites over the Plan Period	84	84
RESIDUAL PITCH REQUIREMENT DURING THE REMAINDER OF THE PLAN PERIOD (2017/18 to 2030/31) including turnover	Addressed	Addressed

Table 1 Overall plan period Gypsy and Traveller pitch need

Revised Table 5.3 Overall plan period Gypsy and Traveller pitch need		
	Cultural need	Of which: PPTS need
<u>5yr pitch need (2018/19 to 2022/23)</u>	<u>52</u>	<u>19</u>
<u>Longer-term need to 2023/24 to 2030/31</u>	<u>31</u>	<u>11</u>
<u>TOTAL pitch need 2018/19 to 2030/31 (Local Plan Period)</u>	<u>83</u>	<u>30</u>

- 4.8 The GTAA partial update 20178 has found evidence of Gypsy and Traveller pitch need over the next five years (2018/189 to 2024/2222/23) equating to 48 52 pitches under a cultural definition, and as a subset of this number, 47 19 pitches under the PPTS 2015 definition of Gypsy and/Traveller (those who still travel and/or intend to travel). **To the end of the Local Plan period the GTAA has identified a cultural need for a further 31 pitches and, as a subset of this number, a PPTS need for a further 11 pitches. Total pitch need is therefore 30 for those complying with the PPTS definition and 83 based on cultural need.**
- 4.9 For the full Local Plan Period (2011/12 to 2031/32) the GTAA has identified a cultural need for 91 pitches and, as a subset of this number a PPTS need for 33 pitches.

- 4.10 For the remaining local plan period (2017/18 to 2031/32), the GTAA has identified a cultural need for 74 pitches and, as a subset of this number a PPTS need for 27 pitches.
- 4.11 The GTAA includes consideration of how turnover on local authority sites may impact on the supply of pitches. Turnover takes into account the effect of a pitch being vacated by one resident and then becoming available for another occupant **and may impact on the supply of pitches**. Taking into account an anticipated average annual turnover of ~~6-1~~ pitches on local authority sites during the remainder of the plan period (2017/18 ~~18/19~~ to 2031/32 ~~30/31~~), **has been allowed for**, this equates to 84 pitches becoming available. Therefore, both the cultural and PPTS shortfalls are likely to be addressed through turnover. However there is still a requirement to identify a five year supply of pitches in accordance with PPTS requirements.
- 4.12 As stated above the GTAA identifies a requirement of 33 pitches between 2011 and 2031. There have been 18 completions of traveller pitches between 2011 and 2017 leaving a residual requirements of 15 for the plan period. Therefore the five requirement is between 5 and 6 pitches. The development of sites identified in this document will more than meet this requirement. Therefore at this stage there is no need to identify any further sites for the remaining plan period but this will be kept under review through regular GTAA updates and with regard to the outcome of the legal challenge to the PPTS definition. The GTAA recommends that this evidence base is refreshed on a five-yearly basis to ensure that the level of pitch and plot provision remains appropriate for the Gypsy and Traveller and Travelling Showpeople population across Herefordshire. These updates will ensure that the impact of turnover on the supply of sites is monitored and its implications for the five year supply is kept under review.
- 4.13 The focus for the allocation and delivery of the additional pitches is to make the most efficient use of land and service provision by increasing the number of pitches within council owned sites, where there is capacity to do so, and by extending the council owned sites. This approach provides both certainty of delivery and will also contribute to meeting the demands of the waiting lists for these sites. **In addition pitches are also allocated as an extension to an existing privately owned site. A broad location for growth is identified that may help meet the accommodation needs of years 6-10 (i.e. 2023/4 to 2027/8).** Although only these sites are allocated in the document it is recognised that there will still be a demand for new small private sites as some families would rather live as family unit on their own site. **Together, This also these provides the opportunity for a greater mix of tenure and own ownership and also provide certainty of delivery.** Therefore any applications received for such sites **In addition to these allocations planning applications for additional pitches** will be considered against the relevant policies of the Core Strategy and this DPD regardless of whether the five year requirement has been met.

Proposed allocations for residential pitches for Travellers

Table 2: Total number of residential pitches allocated.

Site Name	Number of Pitches
Romany Way Grafton	1
Extension to Orchard Caravan Park, Lower Bullingham	2
Openfields Bromyard	2
Extension to Pembridge	4
<u>Extension to Oakfield Nash End Lane</u>	<u>4</u>
TOTAL	<u>9 13</u>

4.14 ~~All these sites have ongoing waiting lists and there is therefore an identified demand for an increased number of pitches.~~ **With an allowance of 1 pitch per year contributing to supply from turnover of pitches this will equate to a supply of 18 for the period up to 2022/23. It should be noted that the figure for the five year requirement is a minimum and there is a longer term requirement (as set out Table 1) still to be met. This will be achieved through the review of the Core Strategy and /or planning applications granted in the interim. The five year supply figure should not be regarded as a target which is not to be exceeded given the longer term requirements.**

4.15 Land at Stoney Street, Madley was included in the additional sites consultation that was carried out as part of the examination of the Travellers Sites DPD. This brownfield site was previously used as an emergency stopping place for Travellers that was owned and managed by Herefordshire Council. Planning permission was granted in 2014 for B2 General Industrial Uses under the Use Class Order. This permission was never implemented and the site has now become available for redevelopment as private residential traveller pitches. However, it is affected by significant issues arising from its proximity to an industrial estate in relation to the impact of noise on the future residents of the site and the potential conflict with commercial vehicles entering and leaving the adjoining estate. Consequently this site has not been taken forward as part of this DPD.

4.16 Nevertheless there may be potential for land to be found in the vicinity of Stoney Street as part of the review of the Core Strategy. It is therefore identified as a possible broad location for growth in the medium term (2023-2028) in accordance with the PPTS although subject to ensuring that any site can comply with the provisions of Policy TS1. The Council will seek to take this forward as part of the review process.

Travelling Show People

- 4.15 ~~7~~ 7** The Planning Policy for Traveller Sites (August 2015) defines “Travelling Showpeople as Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above. Individual pitches within a site are known as plots”.
- 4.16 ~~8~~ 8** With fairs and shows generally taking place between Easter and October, such sites are known as ‘Winter Quarters’ as they were traditionally occupied in the winter months and were vacant in the summer months when the whole family would travel together to shows. However, it is now more usual for these sites to be occupied all year by some family members. This allows children to maintain regular attendance at schools and for elderly relatives to stay at home. The opportunity to have access to education without disruption is a key factor in helping to improve outcomes for children. The availability of sufficient and suitable accommodation from which to access educational services is vital in this respect.
- 4.17 ~~9~~ 9** Plots for Travelling Show People differ from other traveller groups as they require enough space for both living accommodation and storage of fairground equipment. Having equipment close to living quarters has advantages in terms of security and also allows on-site maintenance to take place. The PPTS states that local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards for both residential accommodation and space for storage and maintenance of equipment. It advises that planning conditions or obligations may be used to overcome any potential objections for

this mixed land use for example by limiting which parts of the site would be used for business operations.

- 4.18 20** The storage and maintenance of equipment is an employment use and therefore this type of land use can be considered as 'live work'. Therefore Core Strategy Policies H4 (Traveller Sites) and Policy E1 (Employment) which encourages the provision of viable live work units as part of mixed developments are both relevant.
- 4.19 21** The 2015 GTAA established a need for 9 additional travelling showperson plots up to 2031. The GTAA update 2017 process included discussions with a local travelling show person community member and these suggested that this remains an appropriate number over the plan period to 2031. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage sites to come forward for this purpose.

Temporary Stopping Places

- 4.20 2** There are no authorised transit or temporary stopping places in Herefordshire. However there are groups of travellers that travel through the county as part of longer journeys or those that are travelling within the County and require locations to stay for a few days.
- 4.21 3** Without an authorised site for this use, Travellers have no option but to stop at an opportunist location of their choosing. Unauthorised encampments on private land without the landowner's permission leads to financial costs for the landowner and tension between travellers and the settled community. Therefore the provision of sites to address this is considered to be the key towards resolving unauthorised encampments in the county.
- 4.22 4** A temporary stopping place provides an authorised base where traveller families can access local services and facilities e.g. health care and education. The provision of such a site will assist the police in exercising their functions to move travellers off private land and to enable them to legally direct an unauthorised encampment to the authorised location. It also can reduce other financial costs that might be incurred by including local authority officer time, police monitoring and clean-up costs.
- 4.23 5** The latest GTAA recommends that a 5 pitch transit site / temporary stopping place would help to address this need and that the provision of a transit site should be considered by the Council.
- 4.24 6** It is believed that in Herefordshire that the best approach to meeting this requirement would be to provide a 'negotiated' temporary stopping place. This will consist of an area of hardstanding with sanitation and waste disposal facilities brought in when the site is occupied. This approach is considered to be preferable because it is considered that it will better serve the type of

encampments that generally occur in the county. A site for this purpose is proposed under policy TS3.

- 4.25 7** The site will be managed by the Licensing, Traveller and Technical Support team. A management policy for the site will be produced in consultation with West Mercia Police to ensure that a fair, transparent and accountable method of allocating pitches on the temporary stopping place is set out. The length of stay for each encampment will be negotiated on a case by case basis but will not exceed fourteen days. This will help to ensure that there is an availability of temporary stopping places in the county. The sites will not be occupied all year.

5.0 Policies

5.1 Policy TS1 will apply to all applications for traveller sites and is to be applied in conjunction with Core Strategies policies, with policy H4 being of particular relevance. **Gypsy and Traveller sites may vary in their layout and type of development. Sites managed by Herefordshire Council are made up of a number of pitches which consist of hardstanding for a caravan and /or mobile home as well as a separate amenity block with cooking and washing facilities. Private sites which are either individual or small family sites often have either a small area of hardstanding or none at all and often do not include a separate permanent amenity block.** The inclusion of this type of policy is supported by the sustainability appraisal of the preferred options document. This policy seeks to ensure the delivery of high quality sites that will contribute to a good quality of life for the residents and will also help to mitigate any potential impacts of the development of new pitches.

Policy TS1 – Residential Traveller Pitches and Sites

Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

- 1. an overall good quality of design which respects the setting of the site and the local landscape character.**
- 2. a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities.**
- 3. amenity blocks, where included, should be are sensitively designed and sited using appropriate materials for the area.**
- 4. any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced. Any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets should ~~can~~ be satisfactorily mitigated.**
- 5. a suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.**
- 6. existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.**
- 7. a safe area for children to play is included in the site layout where required.**
- 8. safe and convenient access to the highway network for cars, pedestrians**

and vehicles and turning space within the site.

9. suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems ~~particularly for permeable surfaces~~ are maximised.
10. ~~that any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not~~ result in an adverse impact on the amenity of any local residents or other land users.
11. external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.
12. ~~Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures on site and between structures which meet fire safety standards.~~

~~In addition to the above:~~

- a) ~~opportunities to deliver an on-site shared community building should be explored.~~
- b) ~~Details of any animals to be kept on the site and associated requirements for grazing areas should be provided.~~

Travelling Showpeople Plots

5.2 The GTAA identifies a need for nine travelling show plots to 2031. The Council will continue to work with the Travelling Show Persons Guild and the local community to encourage these sites to come forward for this purpose. ~~The requirement will be met through the planning application process, and~~ Policy TS2 seeks to encourage the supply of suitable sites and recognises the differences in the site requirements for travelling show people plots in comparison with other traveller sites. In particular they usually require sufficient space for both living accommodation as well as for the storage and maintenance of fairground equipment. ~~Because of the specific requirements and differences to the other traveller sites and given that there are no allocations for show people plots land, this enabling policy aims to encourage the provision of additional show people sites is included. Regard has been had to the Showman's Guild's document "A Planning Focus Model Standard Package - Revised September 2007".~~

Policy TS2 – Travelling Showpeople plots

Proposals Planning applications for new plots for Travelling Show People will be supported encouraged to meet the identified need where they meet the following criteria conform to Policy H4 of the Core

Strategy and achieve the following:

1. The site should be ~~relatively level and large enough~~ able to accommodate residential accommodation as well as space and or buildings for storage and maintenance of equipment if required.
2. The site should have satisfactory vehicular access, suitable for the safe and convenient movement into and out of the site of large vehicles including those carrying fairground equipment.
3. The site should ~~have suitable access~~ be in reasonable proximity to the strategic road network.
4. ~~Measures to reduce the risk of flooding should be incorporated into the design and layout. Permeable surfaces should be incorporated to minimise surface water run-off.~~ Suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage should be included in the design and opportunities for sustainable drainage systems area maximised.
5. The commercial activity of the site should not impact on the amenity of local residents or and other land users. Planning conditions may be considered to reduce any the impact from noise on ~~to~~ nearby residential properties or businesses.
- 6 ~~Site layout should have proper regard to health and safety requirements including adequate spacing between perimeter boundaries and any structures to meet fire safety standards.~~
- ~~7~~ 6 An overall good quality of design which respects the setting of the site and the local landscape character, the character and significance of designated and undesignated heritage assets and minimises any impacts on biodiversity assets.
- ~~8~~ 7 The site boundary treatment reflects local character, local materials and local colour. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged.
- ~~9~~ 8 Existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.
- ~~10~~ 9 Where required, a safe area for children to play should be incorporated into the design.
- ~~11~~ 10 External lighting should be ~~is~~ kept to a minimum and should be directed down to the ground, to avoid light pollution.

6.0 Proposed Allocations

Land to the west of A49 Leominster



Site Type: Temporary Stopping Place of 5 pitches

Policy TS3

Proposals for development at this site should:

- 1. Provide an area of hardstanding for**
 - **towing vehicles and caravans for short stays only**
 - **temporary sanitation and waste management facilities to be brought on site when it is occupied and removed at the end of the stay.**
- 2. Not include any permanent structures apart from a small building for administrative purposes if deemed necessary.**
- 3. Demonstrate appropriate vehicular access and turning space into and within the site**
- 4. Demonstrate that there would be no potential adverse impact on the River Lugg SSSI.**
- 5. Retain where possible and enhance existing semi mature native trees on the boundary of the site to mitigate any landscape impact and to provide privacy to the site.**
- 6. apply principles of sustainable urban drainage systems in the design.**

7. Provide a 1.8m high steel palisade fencing to prevent access onto the railway line and other fencing to prevent access onto the highway.

Explanation:

- 6.1** The purpose of this allocation is to provide a site which will help to address unauthorised encampments of travellers and associated issues. It is intended to be used on a short stay basis only.
- 6.2** This site is located on a strategic highway network and is therefore **provides a suitable location for this type of use travellers passing through the county. A traffic management plan will be required to support a planning application to ensure that the number of turning movements into the site across other traffic streams is minimised and to address any additional signage requirements.** There are pedestrian and cycle links into Leominster **from the site** where there is good access to a range of services and facilities.
- 6.3** The Strategic Flood Risk Assessment of this site indicated that the site was not subject to flooding as indicated on the Environment Agency flood maps which show areas of flood zones 1, 2 and 3 on the site. Further consultation directly with the Environment Agency confirmed that detailed modelling carried out on the Rivers Arrow & Lugg, show this site to be outside flood zone 2 and 3 and in Flood Zone 1. However it should be noted that there may be small adjustments to this information as the flood outlines are refined and reviewed against EA's flood map criteria. Therefore a sequential approach to the layout of the site may be required based on any further information regarding flood risk. The site would require Sustainable Urban Drainage proposals, so not to exacerbate the nearby flooding.
- 6.4** The site is partially visually contained by existing semi mature native woodland on site. Further planting will be required to enhance this where this does not impact on the visibility of the access to the site. ~~Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure.~~
- 6.5** A railway line is adjacent to the western boundary of the site. Therefore it is imperative that suitable safety fencing is installed and maintained to prevent access on to the railway line. **Consultation with Network Rail will be required to ensure that any such fencing meets the requirements of Network Rail and that the site is safe and secure. Similarly the road side part of the site will need to be securely fenced to reduce the risk of children or stray animals entering the highway.**
- 6.6** The Sustainability appraisal of the preferred options noted that this site is located between 250m and 1km of a number of designated biodiversity sites, including the River Lugg SSSI and Land at Eaton Hill, which is a Local Wildlife Site. It concluded that therefore a minor negative effect is likely but recognised that

appropriate mitigation may avoid adverse effects and could result in beneficial effects.

- 6.7** The length of stay on this site should not exceed 14 nights for one occupancy but this will be negotiated on a case by case basis.

Romany Way, Grafton, Hereford



Site Type – Local authority site of nine residential pitches.

Proposed allocation- one additional residential pitch within existing boundaries of the site.

Policy TS4

Proposal for the development of this site should:

- 1. Replace the former warden's office with an additional residential pitch with parking space.**
- 2. Relocate electricity meters to a purpose built cabin at a suitable location on the site.**
- 3. Provide screening for the new pitch to maximise privacy for the residents.**
- 4. Provide a surface water drainage strategy which will be required as part of any subsequent planning application.**

Explanation.

6.8 This is a well-established local authority owned and managed site. The site is situated off the A49 to the south of Hereford and has good links to the city by bus. There are primary and secondary schools situated within a 10 minute walk and there are local shops approximate 1.3 km distant.

- 6.9** There is capacity for one additional pitch making use of the former warden's office. This currently houses the electric meters for the site but these can be rehoused in a small purpose built cabin as on the other local authority sites.
- 6.10** By siting the additional pitch in this part of the site it allows the retention of the existing play area. Although this is currently underused it is considered important to retain this asset for children on the site now and in the future and is a positive mitigation in relation to the findings of the HRA.
- 6.11** Although there is no evidence of bats being present in the former warden's office it is recommended that any site clearance or demolition should take place between November and February. A condition should be imposed on any planning permission to the effect and should set out construction methods.
- 6.12** The site is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. In accordance with NPPF, the site meets the requirements of the Sequential Test and does not need to be supported by a site-specific FRA.
- 6.13** The strategic flood risk assessment recommends that a surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. Regard should be had to high groundwater levels which may limit the suitability of infiltration techniques although it is anticipated that the existing drainage system will be used.

Extension to Orchard Caravan Park Watery Lane Lower Bullingham



Site Type – Local Authority Site of eleven pitches

Proposed allocation–Additional two residential pitches as extension to existing site

Policy TS5

Proposals for development of this site should:

- 1. Demonstrate appropriate vehicular access and turning space either through a new access off Watery Lane or through the existing site.**
- 2. Provide a site specific Flood risk Assessment. A sequential approach to site layout may be required to take into account surface water flooding.**
- 3. Provide a full assessment of contaminated land report and demonstrate that any required remedial works addresses any contaminated land issues.**
- 4. Provide an ecological appraisal to assess the impact on the species & to determine most appropriate time of development to mitigate impacts on any nearby habitats.**

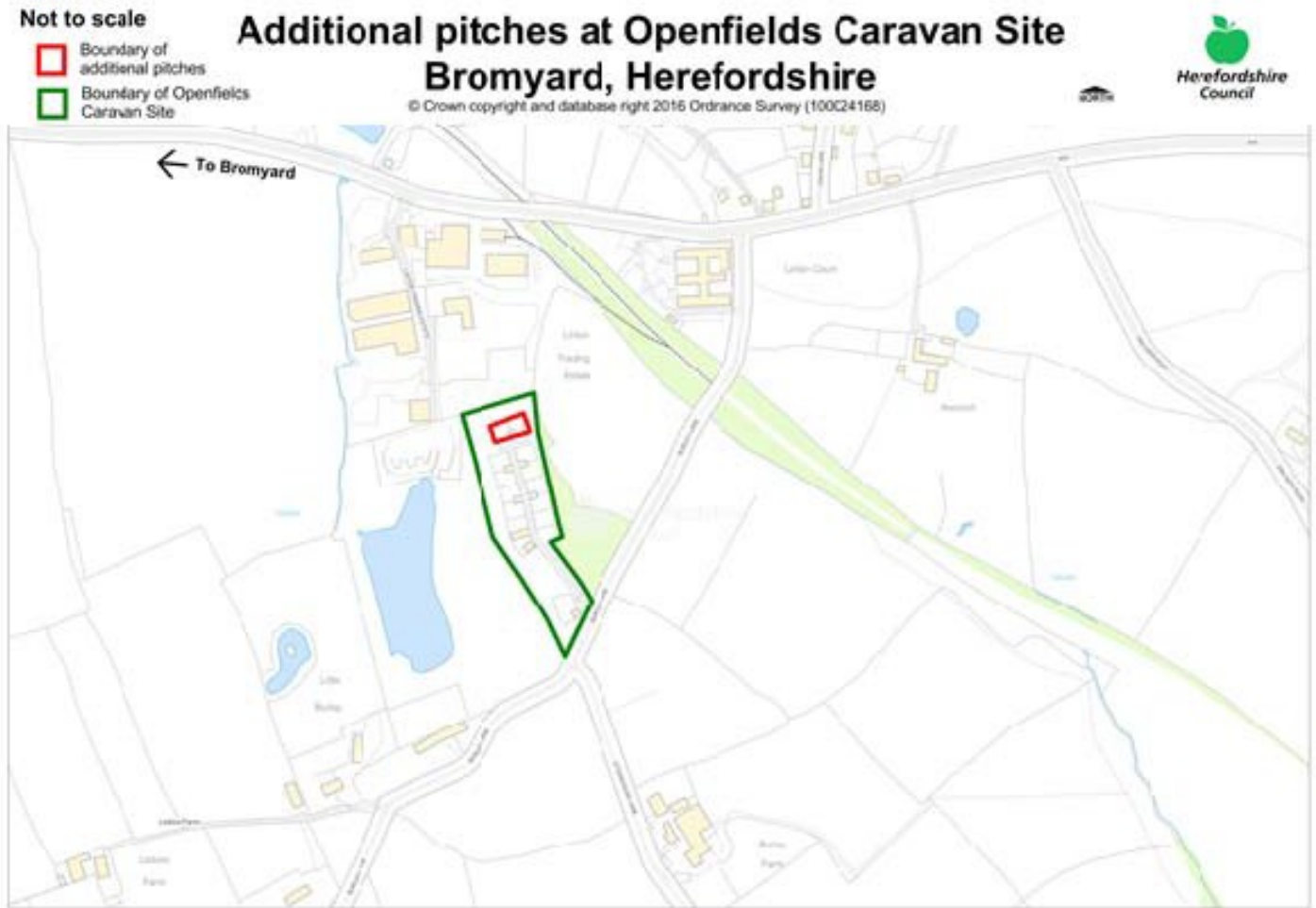
Explanation

6.14 This a local authority owned and managed site. It is situated to the south of Hereford and in close proximity to the Southern Strategic Urban extension identified in the Core Strategy. This site will benefit from improved connectivity

through the enhanced walk and cycle route between Watery Lane and Twyford Road which will be brought forward as part of the Southern Urban Extension. The site is situated within the Rotherwas Enterprise Zone. However it has a long established use and is a very popular site amongst Travellers.

- 6.15** The site is well contained as it is set down into the landscape but there is an opportunity for enhancement to the existing site as part of the extension by improving the boundary treatment which would greatly enhance the entire site.
- 6.16** A desk based contaminated land assessment has been carried out. This recommends that given that the site was within the boundary of the former Royal Ordnance factory, further intrusive investigations into any contaminants resulting from previous uses and neighbouring uses will be required. Furthermore a specialist survey to assess the risks of unexploded ordnance will also be required.
- 6.17** The Sustainability Appraisal has identified that Traveller site is between 250m and 1km from several designated biodiversity or geodiversity sites, including Withy Brook, a Site of Importance for Nature Conservation, and the River Wye SSSI. The SA concludes that therefore a minor negative effect is likely but that this is uncertain as appropriate mitigation may avoid adverse effects and could result in beneficial effects. An ecological appraisal will be required to assess the impact on wildlife on the site and to determine most appropriate time for construction to mitigate impacts on it.
- 6.18** There is a small unnamed watercourse flowing through the site. The site is located within flood zone 1 and there is no identified fluvial flood associated with the watercourse. The Environment Agency's flood risk from surface water map indicated that the site is at medium risk from surface water flooding. Therefore a surface water drainage strategy will be required as part of any subsequent planning application to demonstrate how surface water runoff will be appropriately managed. Infiltration should be promoted as far as practicable for smaller rainfall events, although discharge to a watercourse may be required for larger rainfall event.

Open fields Bromyard



Site Type - Local Authority Site of ten pitches

Proposed allocation – Two additional pitches within the existing site boundary.

Policy TS6

Proposals for development of this site should:

- 1. Provide two additional pitches on the site of the former vacant pitches.**
- 2. Consider the option of adopting the road within the site as public highway if it meets the required standards.**
- 3. Explore opportunities for enhancing of landscape treatment of the boundaries of the site.**
- 4. Provide a flood risk statement to support the development of the site.**

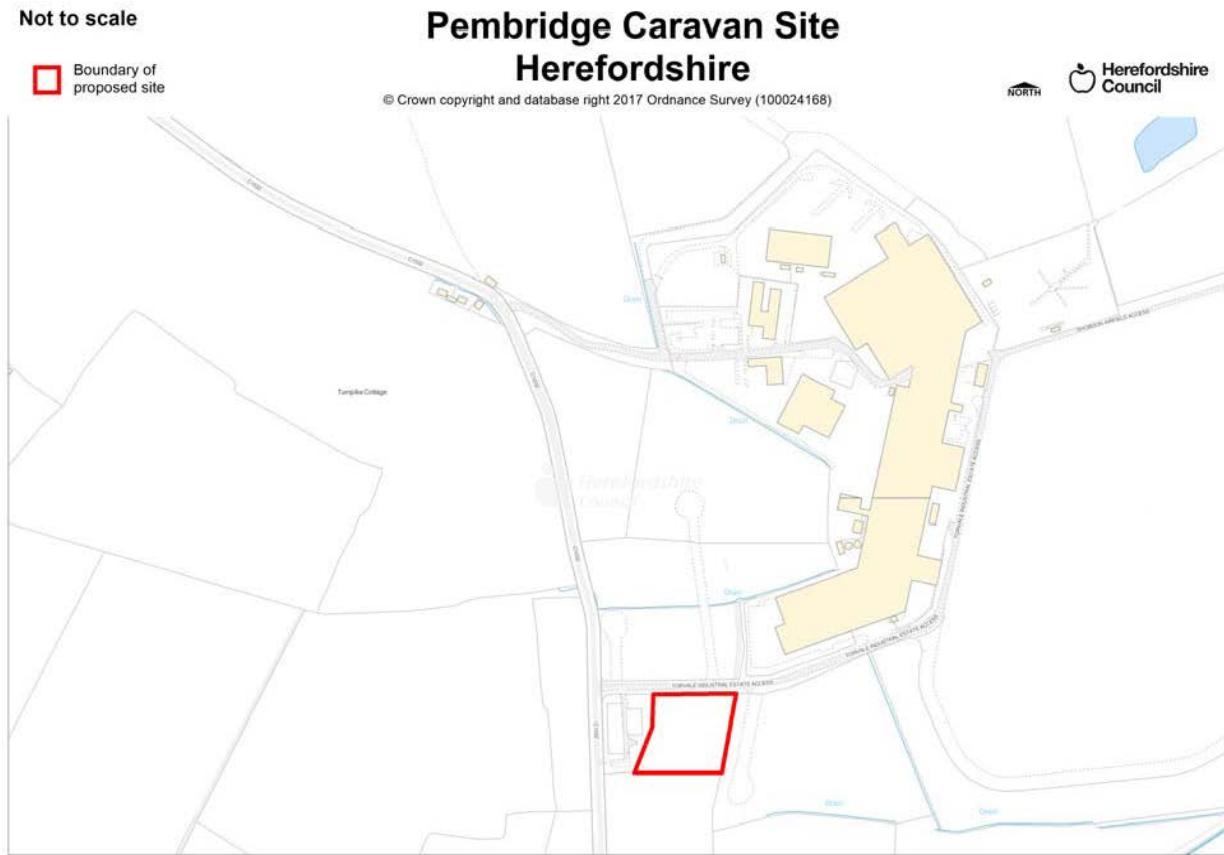
Explanation

6.19 This site is situated to the south west of Bromyard where there are a range of facilities and to the south of the Linton Industrial Estate. Bus services are available on the A44 which is a short walk from the site. It provides the

opportunity to make good use of brownfield land within the boundary of the existing site.

- 6.20** The Openfields site in Bromyard is located in the low risk Flood Zone 1 and is not considered to be at significant risk from other sources of flooding. As the area of proposed development is minimal, it is considered likely that a Flood Risk Assessment prepared in accordance with NPPF may not be appropriate and that, instead, a flood risk statement should be submitted to support the planning application.
- 6.21** A surface water drainage strategy will be required to demonstrate how surface water runoff will be appropriately managed. It may be appropriate to combine this with the site-wide drainage strategy as infiltration of runoff may not be possible for larger rainfall events due to underlying soil permeability.
- 6.22** The SA has identified a potential negative effect in relation to the Down Lodge, a Grade II Listed Building situated on the A44. However it is considered that there is very limited indivisibility between the site and the heritage feature and there is an industrial development between the traveller site and the heritage feature. Although there is existing mature planting on the boundaries of the site, opportunities to enhance this landscaping should be taken.
- 6.23** The SA identifies that this site is located within 250m of Bromyard Downs and adjoining woodland, a designated Local Wildlife Site. However there is an existing play area and open space within the site that will help to mitigate any potential adverse effects.

Extension to Pembridge Site



Site Type – Local Authority Site of six pitches

Proposed allocation of four additional residential pitches

Policy TS7

Proposals for the development of this site should:

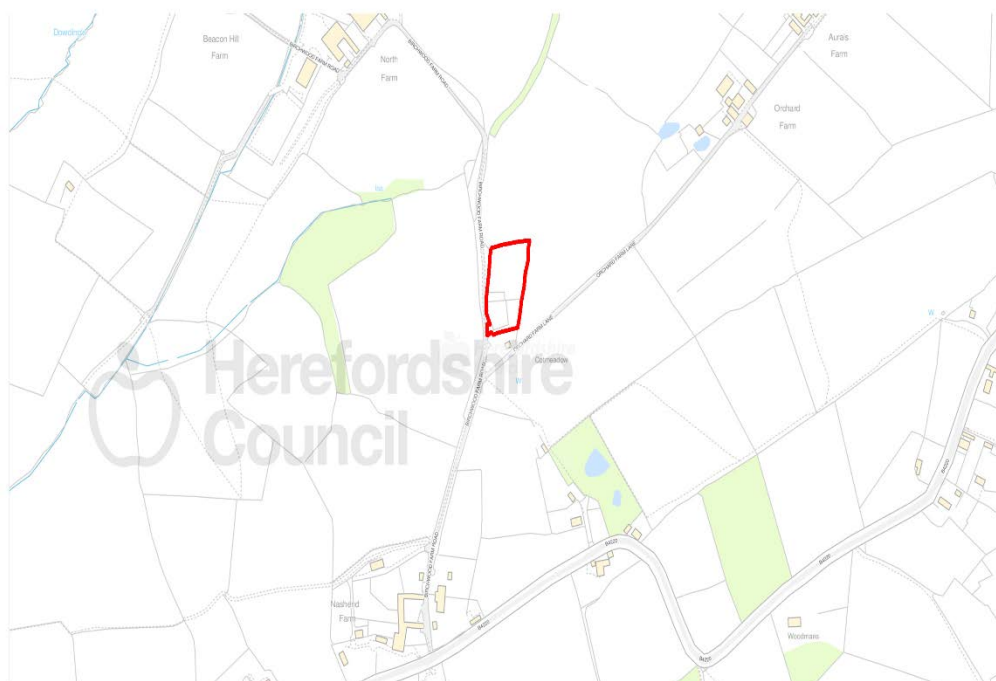
1. provide 4 additional pitches of a similar scale to the existing site
2. include proposals for the management and use of the remaining part of the site for grazing or orchard / native tree species planting.
3. Deliver appropriate landscape enhancements to reflect the Principal Settled Farmlands Landscape character setting including:
 - a. appropriate native tree planting for screening in open landscape settlement.
 - b. and further landscape enhancements to the existing site frontage.
4. Include a suitable and safe play area.
5. Provide a contaminated land assessment of the site and of the landscape bund.

6. Provide access to the extension area via the existing access onto the highway.

Explanation

- 6.24** The existing site is located approximately 1.6km away from Pembridge where there are a range of services including primary school. The site is served nearby by bus stops and it is an approximate 5 minute cycle into Pembridge on level terrain.
- 6.25** The area identified has capacity for more than 4 pitches. However it is considered that four extra pitches resulting in a site of 10 pitches overall should be the maximum number on this site. The remaining part of the extension site should not be developed but could be used for either grazing or orchard planting. Given the open character of the landscape additional screening of the site will benefit the setting of the extension and will also mitigate any adverse effects of the heritage assets in the vicinity.
- 6.26** The site is situated within the former area of the Shobdon airfield. As such a contaminated land assessment should be carried out. A landscape bund is located to the south and east of the existing site. The landscape bund would require partial excavation to provide access into the extended area. Tests should be carried out on the bund to identify the materials before excavation begins.
- 6.27** The SA has identified that this site option is between 250m and 1km from a number of designated heritage assets, including North Herefordshire Rowe Ditch, A Scheduled Monument and Clear Brook, a Grade II* Listed Building. A minor negative effect is therefore likely on this SA objective, although as effects will depend on factors relating to the design of the site, which are unknown at this stage, this is uncertain. The inter-visibility between the extension site and these features is regarded as minimal.

Extension to Oakfield, Pow Green, Bosbury



 Proposed Traveller Site (TS8)

Oak Field, Bosbury
Proposed Traveller Site

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Scale 1:5,000
at A4 size



Policy TS8

Oakfields, Nashend Lane, Bosbury

Site Type – Private

Proposed allocation of four additional pitches

Policy TS8

Proposals for the development of this site should:

- 1. Provide 4 additional residential pitches.**
- 2. Demonstrate appropriate vehicular access and turning space within the site**
- 3. Make provision for landscaping in accordance with policy TS1.**

Explanation:

6.28 This is an existing private site that is situated between Bosbury and Cradley. The site area is relatively well screened. This should be retained and opportunities for any enhancement explored. Should the access at the north of the site be brought into use then consideration should be given to moving the access back to improve northbound visibility. Details of the drainage strategy and the waste collection arrangements should be provided.

7. Implementation and monitoring

7.1 The continuous monitoring of policies and proposals is essential to ensure that the DPD achieves its objectives. The policies will be monitored principally through the Authority Monitoring Report (AMR) using the following indicator:

- The number of new traveller pitch commitments and completions.

7.2 If it appears that the policies are not being effective, a review of the policies may be required. The policies and proposal will also be assessed against any objectives set out in the Sustainability Appraisal. The potential impacts of any changing national and local policy and guidance will also be considered as part of the AMR. Records of unauthorised encampments and turnover of pitches on the council managed sites will be reviewed to help monitor the effectiveness of the policies.

7.3 The Gypsy and Traveller Accommodation Assessment ~~will be reviewed every five years~~ **requirement for pitches will be assessed on a regular basis**. All of the data collected as described above will feed into this five yearly review. **The accommodation requirements for Travellers not meeting the PPTS definition will be assessed as part of the Core Strategy Review.**

Equality Analysis (EIA) Form

A) Description

Name of service, function, policy (or other) being assessed

Traveller Sites Development Plan Document (DPD)

Directorate or organisation responsible (and service, if it is a policy)

Economy and Place

Date of assessment

July 2019

Names and job titles of people carrying out the assessment

Angela Newey, Senior Planning Officer, Strategic Planning

Accountable person

Kevin Singleton Strategic Planning Manager

What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?

Introduction

- The Council is aiming to ensure fair and equitable treatment in finding accommodation for Travellers, which includes Gypsies, Travellers and Travelling Showpeople, in a way that facilitates their traditional and nomadic way of life whilst respecting the interests of the settled community.
- The main aim of the Travellers Sites DPD is to enable the provision of sites to meet the assessed needs of the Gypsy and Traveller Community. The Travellers' Sites DPD also includes policies relating requirements for site design and facilities and environmental and amenity protection.
- Travellers can be at greater risk of lower quality of life outcomes and it is hoped that through enabling the provision of sites that this will help to reduce such inequalities. With greater site availability there should be a reduction in unauthorised encampments and associated issues in accessing education and health care.

• Context

- Local Authorities are currently required by The Housing Act 2004 to assess the accommodation needs of the Gypsy and Traveller community. A Herefordshire Gypsy and Traveller and Travelling Show Person Accommodation Assessment has been carried out and can be found at:
- The Planning Policy for Traveller Sites in August 2015 sets out the Government's Planning Policy for Traveller sites including the definition of travellers for planning purposes.

- The Herefordshire Local Plan Core Strategy (2011 – 2031) sets out the strategic planning framework for the County. It balances environmental issues with economic and social needs and ensures that development will be sustainable. Policy H4, Traveller Sites, of the Herefordshire Core Strategy sets out the context for the provision of traveller sites in Herefordshire.
- The preparation of the traveller sites DPD has included four stages of public consultation with targeted efforts to include the travelling community.

Intended Outcome

- Once adopted the Travellers' Sites DPD will allocate land for Traveller Sites which can then be the subject of planning applications for development as authorised Gypsy and Traveller sites.
- Planning permission can also be sought on sites that are not included in the DPD and any such applications will be assessed against a number of criteria including those in core strategy policy H4 and relevant policies in the Travellers' Sites DPD.

Location or any other relevant information

Further information about work on the Travellers Sites Documents can be found at:
<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/travellers-sites-document>

List any key policies or procedures to be reviewed as part of this assessment.

None.

Who is intended to benefit from the service, function or policy?

- Romany gypsies and Irish Travellers are recognised by the courts as being distinct ethnic groups and are protected from discrimination by the equality act 2010. There is a statutory duty on public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the course of developing policies and delivering services.
- In addition other travellers including travelling showpeople make up the wider travelling community will also benefit from the Travellers' Site Document by the allocation of authorised places to live.
- The sites document will also make provision for authorised serviced temporary stopping places. This will help to address the unauthorised encampments on both private and public premises as well as providing better quality stopping places and providing greater certainty for both the travelling and settled community.
- By covering issues such as quality of build, design and layout better outcomes for those living on the pitches will be achieved.

Who are the stakeholders? What is their interest?

- The stakeholders include the travelling community as the Travellers Sites DPD will be focused on their particular requirements in relation to land use planning. We have engaged with the travelling community through site visits and drop in sessions. We have worked closely with the Council's traveller sites and social inclusion teams. We have also provided information via traveller press and social media.
- As with all such documents involving development, the wider Herefordshire Community either as individuals or represented by parish councils for example, will also have an interest in the proposals.
- Other stakeholders include a number of government agencies such as Highways England, Environment Agency and Natural England as well as other organisations with specialist interests such as water companies, housing associations and environmental organisations.

B) Partnerships and Procurement

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/delivery meets the requirements of the Equality Act 2010, i.e.

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity between different groups
- Fosters good relations between different groups

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

N/a

Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe:

None

C) Information

What information (monitoring or consultation data) have you got and what is it telling you?

- The Travellers' Sites document is informed by the Gypsy and Traveller Accommodation Assessment which was prepared by independent consultants, Arc 4. This assessment tells us how many pitches and what type of accommodation the Travellers' Sites Document should make provision for.
- The assessment forms part of the evidence base for the DPD and was therefore subject to examination by the government inspector along with the other parts of the plan. Therefore there was opportunity for any stakeholders that disagree with the findings of the assessment to have their concerns considered by the inspector and the inspector did recommend adjustments to the assessment following the first public hearing session.
- We also have information about planning permissions granted for traveller sites and this information is reported in the annual authority monitoring report.

D) Assessment/Analysis

Describe your key findings (eg. negative, positive or neutral impacts - actual or potential). Also your assessment of risk.

Strand/community	Impact
Gender, Pregnancy and Maternity	Positive: Permanent and temporary authorised sites in locations accessible to services is likely to be particularly beneficial for pregnant women by providing greater opportunity to access maternity services.

Transgender and Sexual orientation	Neutral: There is no evidence to indicate that the Travellers Sites Document will have a positive or negative impact on this protected characteristic.
Disability	Positive: Pitches, parking spaces and amenities (such as day blocks) will be required to meet the requirements of the Equality Act 2010.
Race	Positive: The Travellers Sites Document has potential to foster good relations between the travelling community including Romany gypsies and Irish Travellers, and the settled community by providing authorised pitches. It also aims to improve life chances of the travelling community through enabling the provision of pitches.
Age	Positive: By providing good quality facilities on suitable sites there will be a positive effect for people of all ages e.g. access arrangements of buildings and the provision of play areas for children. There will also be better opportunities for children to attend school.
Religion	Neutral: There is no evidence to indicate that the Travellers Sites Document will have a positive or negative impact on this protected characteristic
Socio-Economically Disadvantaged.	Positive: Allocation of sites will have a positive effect on the socio economically disadvantaged by allocating sites that are accessible to a range of services and facilities and will improve equitable opportunity in this regard. There will also be a greater opportunity to access employment opportunities from an authorised site.

E) Consultation

Did you carry out any consultation? Yes No

Who was consulted?

- The list of consultees for the DPD included a broad and diverse cross-section of society as well as organisations representing minority groups.
- They were notified at all consultation stages.
- All documentation was made publicly available on the Herefordshire Council website and in Herefordshire Libraries and Customer Service Centres.
- The Council’s Travellers Service and Social Inclusion team assisted in seeking the views of travellers, encourage engagement and raising awareness of the emerging travellers plan.

Describe other research, studies or information used to assist with the assessment and your key findings.

The main area of research was through the Gypsy and Traveller Accommodation Assessment which included interviews with Travellers in the county and was updated throughout the process.

Do you use diversity monitoring categories? Yes No

(if No you should use this as an action as we are required by law to monitor diversity categories)

If yes, which categories?

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?

We will use the information to help inform us how we can achieve better engagement with the target groups.

F) Conclusions

	Action/objective/target OR justification	Resources required	Timescale	I/R/S/J
a)	The DPD has been through an extensive preparation process that has included different stages of consultation. It is now recommend for adoption by the Council. This will support the provision of more pitches in the county for the travelling community.	None at this stage	Adoption October 2019	R
b)				
c)				
d)				

- (I)** Taking immediate effect.
- (R)** Recommended to Council/Directors through a Committee or other Report*.
- (S)** Added to the Service Plan.
- (J)** To be brought to the attention of the Equality Manager.

*Summarise your findings in the report. Make the full assessment available for further information.

NB: Make sure your final document is suitable for publishing in the public domain.



Meeting:	Cabinet
Meeting date:	Thursday 26 September 2019
Title of report:	Accommodation based support service for care leavers
Report by:	Cabinet member children and families

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To approve the commissioning of a service to provide vulnerable care leavers with support to develop their skills, resilience, opportunities for training and employment, engagement with relevant services and integration with their community to enable them to move towards independent living. This service will also help the young people to understand their rights and responsibilities as tenants and what to expect of Landlords.

Following decisions made by cabinet during December 2018 and January 2019, the council has purchased a property in Hereford City that is now being converted and refurbished to accommodate care leavers with complex needs. Accommodation based support is required to support young people to live more independently and manage their lives safely and confidently.

Approval is sought for the approach to commission a service to provide support and accommodation management for vulnerable care leavers to help them prepare to live more independently. This service will be available 24hours for those with complex needs and 3 hours per week for those with light touch needs. This service will be commissioned by seeking bids from potential providers in the open market to demonstrate how they can deliver a quality and cost effective service. It is proposed to begin this procurement process in October 2019 and mobilise new services to align with the completion of building works in Spring 2020.

The local and national market for care leavers accommodation based support is delivered mainly through spot purchased placements, some via a regional framework. These placements typically have very high costs and there is limited availability within Herefordshire, resulting in many young people being placed outside of the county. The approach proposed here in utilising self-contained accommodation in premises owned by the council is somewhat innovative and has received a positive response to date. It provides an opportunity for improving outcomes for young people and value for money to the council.

Recommendation(s)

That:

- (a) the commissioning of a service to provide support and accommodation management for vulnerable care leavers in council owned properties through an open procurement process be approved;**
- (b) the director for children and families be authorised to take all operational decisions necessary to implement the service including award of contract for the accommodation based service for a period of up to five years and with a maximum value of £2.5m.**

Alternative options

1. Not to procure an accommodation based support service. This is not recommended as this would mean the newly acquired property would not be utilised appropriately or as intended by the council. In addition, there would be a lost opportunity to improve outcomes for very vulnerable care leavers and reduce or avoid costs in supporting this user group.
2. To deliver as an in-house service. This is not recommended because the council does not have the expertise to operate such a service in-house and recruiting such expertise would be challenging. In addition, the council would have to invest significantly to create the infrastructure and systems to support the service, leading to disproportionate costs and reduced value of any cost avoidance.

Key considerations

3. The council has a duty to ensure that care leavers are safely and appropriately accommodated. There are currently limited options for accommodating care leavers and 16 and 17 year olds with complex needs in Herefordshire. There is a reliance on specialist placements, spot purchased at significant cost, often outside the county. The provision of accommodation with support for care leavers with complex needs will enable vulnerable young people to remain close to their local connections and provide a cost effective, good quality service. This is expected to improve outcomes for individual care leavers and avoid some cost of future specialist placements.
4. The provision of this service will meet strategic objectives relating to vulnerable young care leavers accommodation needs by;
 - Ensuring availability of appropriate and sustainable supported accommodation
 - Reducing reliance on out of county placements
 - Reducing the average unit price paid for accommodation based support
 - Increasing the application of housing benefit in meeting some costs of accommodation and support.
5. Guidance from the national advisor for care leavers suggests that an increased variety of housing options for care leavers is required in Herefordshire, including access to tailored accommodation. The proposed approach here in utilising council owned property with the provision of accommodation based support is innovative and provides further options to accommodate care leavers in the county.
6. The service will benefit a cohort of care leavers with chaotic and high-risk lifestyles, including substance misuse, mental health needs, antisocial or challenging behaviour, offending history and vulnerability to criminal or sexual exploitation. At any one time, there are between nine and 13 care leavers aged 18 to 22 with this combination of needs, for whom the proposed new service would be suitable. A further cohort of around 20 young people aged 16 or 17 have been identified who could benefit from the service in future years.
7. The purpose of this service is to improve the opportunities and outcomes for vulnerable care leavers through the provision of accommodation based support. The service aims are to;
 - develop the independent living skills of care leavers with complex needs, through provision of accommodation based support, to enable them to transition towards living independently.
 - refine the independent living skills of care leavers with light touch needs to enable them to move onto fully independent living.
 - work in partnership with local partners, both statutory and voluntary, to explore opportunities to promote and encourage all young people to access education, training, work experience and employment.
8. Opportunities for care leavers to develop and achieve improved outcomes will be enabled through a service that will work in partnership to develop and implement a personalised support plan for each person, identifying how they can manage their own needs, mitigate risks and take up opportunities. The aim is for young people to transition from the accommodation towards independent living within 2 years.

9. The contract with the provider will stipulate aims, objectives and outcomes in relation to the provision of support and housing management. As part of the tender process bidders will be required to submit proposed resourcing arrangements and how they will meet the required aims, objectives and outcomes. Regular contract monitoring will be held to monitor delivery against the specification requirements, with submission of quarterly written reports and meetings as a minimum.
10. In addition to improving outcomes for the young people who will access this service, the proposed approach will deliver significant cost avoidance for the council through providing a more cost effective option than the current limited and expensive market is able to provide. In addition to the anticipated reduced direct costs of the placement, there will also be benefit to staffing resource efficiencies, as the number of placements out of county will be reduced thus reducing time required to familiarise staff with other areas, providers / services in those areas and travel. In addition to the regular contract monitoring, review of the service effectiveness and cost efficiencies will be scrutinised and monitored through the appropriate governance arrangements, such as Health and Wellbeing Board and Children and Young Persons scrutiny committee.
11. In December 2018, a decision was made by Cabinet to acquire a limited number of properties to enable the council to meet strategic priorities. Following this decision, a property has been purchased to support care leavers with complex care needs. The property requires some reconfiguration and renovation works in preparation to provide accommodation comprising four self-contained units, an assessment unit, communal areas and staff area. The governance for these works was encompassed by a decision made by the cabinet member for assets in January 2019.
12. The timetable for works required to the property is being coordinated with the procurement and mobilisation of accommodation based support services. The property will be ready for occupation with support in place in Spring 2020 and will provide accommodation for five care leavers or 16/17 year olds with complex care needs.
13. Located close to the newly purchased property are three flats, which the council owns and are to be made available to care leavers who are transitioning to independent living and require only light touch support. It is intended to include the light touch support and associated housing management within the proposed contract for accommodation based support in the new building, so making the most of geographical proximity.
14. Both properties will be leased from Herefordshire Council in a coterminous lease strictly for the purpose of accommodating this vulnerable user group. The lease will include a requirement that the rent charged must be capped at the appropriate Local Housing Allowance rate to ensure affordability of rent and alignment with benefit entitlements.
15. The service will provide 24-hour support to those with complex needs. Light touch support of three hours per week and emergency support will also be available through this service for those with light touch support needs in the three flats. In addition to this support the service will also provide housing management to promote the occupants capacity to manage their own tenancies in the future.
16. The provider will lease/licence each of the units to the individual young people and act as the Landlord. The provider will be expected to work with the young people to enable them to develop their understanding of rights and responsibilities as tenants and what to expect of Landlords.

17. This service will be delivered to a mix of young people with a variety of needs. Whilst each young person will have their own space, appropriate matching of needs will need to be considered by children's services and the provider when placing young people. The needs of this cohort are likely to fluctuate, which presents a challenge in appropriately resourcing the service and will require some degree of flexibility in the service design.
18. It is anticipated that costs of enhanced housing management can be met through housing benefit, subject to individual applications. The rent paid through housing benefit will be used to meet the cost of running and maintaining the building. The costs of the personalised support will be met through Children and Families budgets, on the principle of cost avoidance. The service contract will include mechanisms to increase or reduce the level of support staffing required where there are significant fluctuations in needs of the cohort over time.
19. The service will be procured via a competitive open tender process, which will require bidders to detail how they propose to deliver the service, including mobilisation, resourcing and quality assurances. The timetable for procurement includes;

Activity	Proposed timeframe
Bidders invited to tender for proposed services	07/10/19 – 18/11/19
Evaluation of bids	19/11/19 – 02/12/19
Intention to award contract issued	03/12/19 – 13/12/19
Service mobilisation	January – April 2020

20. Young people with relevant lived experience will be invited to work with commissioners in the procurement process. This will include the development of pen portraits to include with the tender pack and a specific question to be designed and evaluated by young people.

Community impact

21. The council's corporate plan sets out the vision to ensure that "the children and young people of Herefordshire have a great start in life and grow up healthy, happy and safe within supportive family environment." Where a young person has become a looked after child and then care leaver the council has the duty to meet their needs as the corporate parent.
22. The council's corporate parenting strategy sets out how as corporate parent, the council will provide every opportunity for looked after children and care leavers. Priority 8 of the strategy identifies challenges and opportunities in enabling young people to live happy, healthy and financially secure lives when they leave care. Challenges include a shortage of affordable housing and difficulty in engaging with young people who are involved in some very risky behaviours. The provision of accommodation with support will address these challenges by providing alternative accommodation options with specialist support to engage with those with complex needs leading them to involvement in risky behaviours.

23. This decision will also contribute to the implementation of key priorities in the accommodation strategy for vulnerable young people and addresses priorities set out in the Health and Wellbeing Strategy in relation to vulnerable young people and mental health needs.
24. The recently approved Children and Young Peoples Plan 2019 – 2023 identifies that targeted support is needed to make a difference, particularly to our most vulnerable, to enable them to thrive and make a successful transition to adulthood.
25. The provision of accommodation with support will address the need to provide alternative accommodation options, particularly for those with complex needs leading them to involvement in risky behaviours, with the opportunity for improved outcomes for the young people placed in this accommodation.
26. The focus of this provision is to develop independent living skills and connect young people to universal services and opportunities for education, training and employment, therefore reducing the numbers who are not economically active. Promoting independence will have a positive impact of both the individual and the wider community.
27. The accommodation will be finished to a high standard of health and safety practice. As the principal landlord, the council will discharge responsibility for all ongoing maintenance and health and safety checks to the provider who will act as the landlord.

Equality duty

28. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
30. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine ‘protected characteristics’ (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have ‘due regard’ to the public sector equality duty when taking any decisions on service changes.

31. An Equality Impact Assessment (EIA) can be found at Appendix 1. This decision is not expected to have a detrimental effect on any groups of people with protected characteristics. The creation of this new service for vulnerable care leavers is expected to have a positive impact on young people and those with disability, particularly with mental health needs.

Resource implications

32. This decision does not involve any capital expenditure as it excludes the acquisition of property or any works required to prepare the building for occupation. By utilising these properties for the support of vulnerable young people, the council will make full and appropriate use of council assets of significant value.
33. It is anticipated that cost avoidance will be achieved by providing intensive transitional support to vulnerable care leavers to avoid specialist placements currently funded by Herefordshire Council. Analysis of current placement costs for care leavers with complex needs and estimated costs of the proposed service indicate potential cost avoidance of up to £325k annually and £6.3k weekly for this user group. The average per person cost of specialist placements for this cohort is £148k annually or £2.8k weekly. The estimated cost of the support service in the main building per person is £83k annually or £1.6k weekly. These costs will be met from children and families accommodation budget for care leavers.
34. The cost of enhanced housing management is expected to be met from housing benefit for specified premises. As this is subject to assessment of applications by individual tenants, the level of cost is to be determined after building works are completed and a provider contract awarded. However, costs will encompass support to tenants in managing their finances and responsibilities as tenants, along with a “sinking fund” to meet additional repairs and damage arising from the needs of the cohort. In relation to the three nearby flats, all the costs of housing management and light touch support to tenants is expected to be met from housing benefit. Again, this will be subject to assessment of individual tenants’ applications.
35. 16/17 year olds would not be eligible for housing benefit. Placing young people of this age would be by exception and the housing costs would need to be met by children and families budgets, however as the rent will be capped at Local Housing Allowance rate the cost of this would be no more and in most cases less than current provision.
36. In commissioning support for a group of people with complex needs, it is recognised that over time, the staffing resource required by the service will fluctuate depending on the individuals accommodated and their needs. However, the council will seek to avoid purchasing additional support on a “spot” basis in addition to the proposed block contract. It is therefore proposed to establish a device in the contract to enable the funding to increase and decrease on a modular, incremental ‘flex’ basis for specific periods of time. On the basis of the needs of tenants and agreement with social work managers, a block of funding equivalent to one full time support worker for one month could be added or subtracted from the core funding. Whilst these variations up or down could be extended beyond one month, they would be subject to maximum and minimum annual values set out in the contract.
37. The tables below relate to the costs associated with provision of accommodation based support. Provision for the cost of enhanced housing management is expected to be met from housing benefit for specified premises, as set out in paragraph 32.

Revenue or Capital cost of project (indicate R or C)	2019/20	2020/21	2021/22	Future Years (2022 – 25)	Total
Estimated cost of five year service for 5 bed unit and 3 self contained flats (R)	£000	£000	£000	£000	£000
Estimated direct staffing costs	000	344	344	1,320	1,720
Estimated other costs	000	80	80	240	400
Estimated 'flex' ceiling (para 16 and para 33)	000	28	28	84	140
TOTAL	000	452	452	1,356	2,260

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2019/20	2020/21	2021/22	Future Years (2022 – 25)	Total
	£000	£000	£000	£000	£000
Base budget for 16+ accommodation	000	452	452	1,356	2,260
TOTAL	000	452	452	1,356	2,260

Revenue budget implications	2019/20	2020/21	2021/22	Future Years (2022 – 25)	Total
	£000	£000	£000	£000	£000
Current average placement costs for 5 young people with complex needs	000	740	740	2,220	3,700
Estimated service costs for 5 young people with complex needs	000	415	415	1,245	2,075
Sub total (potential cost avoidance over 5 years for 5 young people with complex needs)	000	325	325	975	1,625
Current average placement costs for 3 young people with light touch support needs	000	13	13	39	65
Estimated service costs for 3 young people with light touch support needs	000	9	9	27	45

Further information on the subject of this report is available from
Amy Whiles, Tel: 01432 261920, email: awhiles@herefordshire.gov.uk

Sub total (potential cost avoidance over 5 years for 3 young people with light touch support needs)	000	4	4	12	20
TOTAL POTENTIAL COST AVOIDANCE OVER 5 YEARS	000	329	329	987	1,645

Legal implications

38. Local Authorities are under an absolute duty to accommodate and provide support to care leavers aged 16 and 17. Local authority duties to young people and care leavers are set out in the:
- Children Act 1989 (as amended by the Children (Leaving Care) Act 2000, the Adoption and Children Act 2002 and the Children and Young Persons Act 2008)
 - Children Act 2004
 - Housing Act 1996 Part 7 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017)
 - Children and Social Work Act 2017.
39. Section 3 of the Children & Social Work Act 2017 in particular introduces a new duty on local authorities, which requires them to offer personal advisor support to all care leavers towards whom the local authority had duties under section 23C of the Children Act 1989.
40. Recommendation A and B of this report outlines the council's intention to meet the obligations set out in the above legislative provisions by commissioning and letting contracts to third party providers to deliver the required services and the service aims set out in section 10 and 15 of this report demonstrates that appropriate mechanisms will be put in place to ensure that care leavers are provided with the correct level of support as required by law and in so far as they are properly implemented, the ultimate aim of assisting care leavers to live successful independent lives should be achieved.
41. The risk of challenge to the council for taking this course of action is assessed as low, on the basis that the report confirms that an open competitive tender process is to be followed. This complies with:
- current procurement legislation
 - the council's own contract procedure rules
 - EU treaty principles of transparency, antidiscrimination and equality of opportunity
42. The report sufficiently enumerates the considerations given to community impact, equality duties, resource implications, identified risks and steps taken/to be taken to mitigate those risks appropriately. Also alternatives have been considered and discounted for the reasons set out in the report.
43. As with other procurement exercises, it is important that the selection process is robust and effective enough to enable a proper examination of the suitability and capability of the potential suppliers ability to perform the contract that will be awarded at the end of the competition.

44. Also since this is the first time the council will be commissioning services of this particular nature, after the contract award, processes to review the services through a commissioning audit should be put in place to identify strengths and gaps in the service which can then be used as a template for service re-design.

Risk management

45.

Risk / opportunity	Mitigation
<p>If the decision is not approved, the council would not have an opportunity to improve outcomes for five care leavers with complex needs, would miss opportunities to avoid future cost of placements and would not make full appropriate use of a valuable property asset.</p>	<p>In acquiring the property in the city centre consideration was given to the potential for it to be utilised to meet other council priorities and for it to increase in value over time.</p>
<p>Delay in works being complete to make the property ready for occupation.</p>	<p>Property Services is working to complete all of the necessary surveys, design and consents in preparation to tender for the building works. The mobilisation of the works is expected to commence late December / early January with works anticipated to take 8 – 12 weeks.</p> <p>Availability to complete works within the required timescales will be considered when appointing a contractor to carry out these works.</p>
<p>The property is not appropriately utilised in supporting vulnerable care leavers.</p>	<p>There is very little possibility of significant voids in the property or in the three nearby flats to be utilised. The accommodation needs of care leavers in Herefordshire are substantial and understood and the subject of fortnightly placement panel meetings. There is a clearly demonstrated and proportionate need among care leavers with complex needs. The commissioning of an appropriate support service for young people in the new</p>

<p>There is no response to the competitive tender process.</p>	<p>accommodation will provide assurance around suitable use.</p> <p>Engagement with the market has been undertaken in preparation for procurement. This engagement has indicated a good level of interest from the market in delivering a service such as proposed.</p>
<p>Young people are unable to access sufficient housing benefit for the specified accommodation to cover the cost of their enhanced support needs.</p>	<p>The way in which housing benefit decision making is reviewed and communicated to applicants and landlords is the subject of continuing consideration within the council.</p>

46. These risks will be managed at a directorate level.

Consultees

47. In developing the design of the service and commissioning approach, the council has undertaken engagement with providers of specialist support and accommodation or housing management services in the wider regional and national market. This has informed in particular the approach to configuration of a contract document and the proposed management of fluctuating needs of people to be supported.
48. Political parties have been consulted in respect of this decision. No suggestions or comments were received.
49. The Children and Young Persons scrutiny committee has considered this issue, the committee's views have been included in paragraph 10. The committee supports the introduction of the accommodation based support service for care leavers. The committee have requested an ongoing review of the service to determine its effectiveness and possible replication of the service in future and also requested that a site visit to the facility is arranged once completed.

Appendices

Appendix 1 – EIA

Background papers

None identified

Equality Impact and Needs Assessment Form

A) General Information

Name of service, function, policy (or other) being assessed

Accommodation based support service for care leavers

Directorate or organisation responsible (and service, if it is a policy)

Children and Families

Date of assessment

9th August 2019

Names and/or job titles of people carrying out the assessment

Amy Whiles, Senior Commissioning Officer (migration and communities)

Accountable person

Chris Baird, Director for Children and Families

B) Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

To commission support and accommodation management services for care leavers through an open competitive tender process.

The local and national market for care leavers accommodation based support is currently delivered mainly through spot purchased placements, some via a regional framework. These placements typically have very high costs and there is limited availability within Herefordshire, resulting in many young people being placed outside of the county. The approach proposed here in utilising self-contained accommodation in premises owned by the council is somewhat innovative and has received a positive response to date. It

provides an opportunity for improving outcomes for young people and value for money to the council.

The purpose of this service is to improve the opportunities and outcomes for vulnerable care leavers through the provision of accommodation based support. The service aims are to;

- develop the independent living skills of care leavers with complex needs, through provision of accommodation based support, to enable them to transition towards living independently.
- refine the independent living skills of care leavers with light touch needs to enable them to move onto fully independent living.
- work in partnership with local partners, both statutory and voluntary, to explore opportunities to promote and encourage all young people to access education, training, work experience and employment.

The provision of this service will meet strategic objectives relating to vulnerable young care leavers accommodation needs by;

- Ensuring availability of appropriate and sustainable supported accommodation
- Reducing reliance on out of county placements
- Reducing the average unit price paid for accommodation based support
- Increasing the application of housing benefit in meeting some costs of accommodation and support.

C) Context - describe, in summary;

<p>The number of people and/or providers that may be affected by the proposal.</p>	<p>A total of eight care leavers (or by exception 16/17 year olds) will benefit from this proposal by having accommodation and support options available within the county they live in.</p> <p>It is anticipated that five of the young people will have complex needs and three will have light touch needs as they move towards independent living.</p> <p>A provider will be sought to deliver this service by means of a competitive tender process.</p>
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What are the values of the contract(s) affected by the proposal? (If appropriate).	To be determined by competitive tender process
What are the geographical locations of those that might be affected by the proposal?	Hereford city.

D) Who are the main stakeholders in relation to the proposal?

- | |
|---|
| <ul style="list-style-type: none"> a. Care leavers b. Herefordshire Council's Children and Families Directorate c. Herefordshire Council's Adult and Communities Directorate d. Wider community |
|---|

E) What are the anticipated impacts of the proposal?

Positive impacts

Improved outcomes for care leavers by being provided with supported accommodation to meet their needs and be able to remain in their community.

Young people will be supported to identify how they can manage their own needs, mitigate risks and take up opportunities, with the aim to transition from the supported accommodation towards independent living within 2 years.

There will be a focus on developing independent living skills, which will include connecting young people to universal services and opportunities for education, training and employment, therefore increasing the numbers who are economically active.

Providing alternative options to current provision for accommodating young people with complex or light touch needs, achieving cost efficiencies for the council and making use of council assets.

Negative impacts

Whilst each young person will have their own independent living area, there will be a shared front door and within the accommodation for those with complex needs there is also communal areas. It is possible that relationships between and behaviours of the young people living in the accommodation, or those they associate with within the property, may lead to cohesion issues. This will be mitigated by the provision of 24/7 support within the accommodation for those with complex needs, with support staff having access to the shared front door and communal areas. The support provider will work with the young people to address any issues that arise within the property, with neighbours or within the wider community.

F) With regard to the stakeholders identified and the diversity groups set out below;

	<i>Is there any potential for (positive or negative) differential impact?</i>	<i>Could this lead to adverse impact and if so what?</i>	<i>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason?</i>	<i>Please detail what measures or changes you will put in place to remedy any identified adverse impact.</i>
Age	Yes	Yes - this service is to meet the specific needs of care leavers and is therefore restricted to 18 – 25 year olds, or 16-17 year olds by exception.	Yes. The service will benefit a cohort of care leavers with specific needs where there has been an identified current and future gap in available provision. At any one time, there are between nine and 13 care leavers aged 18 to 22 with this combination of needs, for whom the proposed new service would be suitable. A further cohort of around 20 young people aged 16 or 17 have been identified who could benefit from the service in future years. Where appropriate, for example in reducing number of potential moves, a 16/17 year old Looked After Child may also be accommodated. N/A	
Disability	Yes, this service will meet the needs of specific user groups, which may include positive inclusion of those with mental health needs.	No	Yes. The service will benefit a cohort of care leavers with complex needs that make them particularly vulnerable, these include; substance misuse, mental health needs, antisocial or challenging behaviour, offending history and	The commissioned support will be available 24/7 to meet the specific complex needs of this user group.

			vulnerability to criminal or sexual exploitation.	
Race	<i>No data available to allow analysis</i>			
Religion/ Belief / Non Belief	<i>No data available to allow analysis</i>			
Gender	<i>No data available to allow analysis</i>			
Sexual Orientation	<i>No data available to allow analysis</i>			
Pregnancy / maternity	<i>No data available to allow analysis</i>			
Marital Status	<i>No data available to allow analysis</i>			
Gender Reassignment	<i>No data available to allow analysis</i>			

G) Consultation

Please summarise the consultation(s) undertaken with stakeholders regarding this proposal

In developing the design of the service and commissioning approach, the council has undertaken engagement with providers of specialist support and accommodation or housing management services in the wider regional and national market. This has informed in particular the approach to the proposed service.

Key stakeholders within the children and families, adult and communities and economy and place directorates have been consulted with to review the potential impact and ensure all options and the impact have been given due consideration.

H) Additional information and / or research

Include here any references or other sources of data that you have used to inform this assessment.

Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact(s) of this proposal? If yes, please list them here

If you have identified gaps in your evidence or conclusions, how will you explore the proposal in greater depth? Or, if no further action is required, please explain why.

Information and research used:

- Data from Mosaic
- Data from 16+ team



Meeting:	Cabinet
Meeting date:	Thursday 26 September 2019
Title of report:	Hereford BID2
Report by:	Cabinet member environment, economy and skills, Cabinet member commissioning, procurement and assets

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

Central & Widemarsh

Purpose and summary

To agree to vote in favour of Hereford BID for the second, five year term.

To agree to pay the levy on Herefordshire Council properties in the BID area to the value of £21,495 per annum.

This report is to request cabinet approval to vote 'yes' to the second term of Hereford Business Improvement District in the forthcoming ballot. Via levy contributions by BID members, the continuation of the BID will have a budget of £1.765m to deliver a programme of projects in the city centre. These projects and improvements have been clearly defined in the BID Business Plan (Appendix 1) and are additional to any services that are funded by the local authority. There are extensive benefits, not only to the businesses, but also to the local authority, residents and visitors alike. These are outlined in key considerations. Herefordshire Council is required to

make an additional annual contribution of £14,790 (compared to 2019/20) as a levy on its properties in the BID area.

The projects proposed by the BID have been in consultation with BID businesses and Herefordshire Council. The projects provide value added services and do not duplicate existing activity. The projects also meet the council's aspirations for improving the city centre and it is noted that they will enhance the city's overall offer

Recommendation(s)

That:

- (a) the Economic Development Manager be authorised to vote in favour of Hereford BID for the second, five year term (2020-2025);**
- (b) payment of the levy on Herefordshire Council properties in the BID area be approved, valued at £21,495 in year one (an increase of £14,790 on the current levy paid) for a period of up to five years; and**
- (c) The Director of Economy and Place (liaising with Legal Services) be authorised to finalise and arrange for the execution by the Council of all necessary contract documentation relating to the BID extension.**

Alternative options

1. That Herefordshire Council does not vote in favour of the Hereford BID - this option would leave the Council vulnerable to adverse publicity, as it has been fully supportive of HBID during the development phase and first, five year term.
2. That an allocation is not made available within the annual budget for years 2020-2025 to cover the levy payments of 1.5% on rateable value of Council owned hereditaments (property and car parks) within the BID area - this option is discounted because Herefordshire Council will have to pay the levy on its hereditaments should the BID go ahead, irrespective of whether or not it has voted yes. It should be noted that there are benefits to both the Herefordshire Council and the continuation of the BID, which are mentioned later in the report.

Key considerations

3. BIDs are controlled by legislation which was passed in 2004 and there are now over 180 BIDs around the country. Many BIDs are now going into their 2nd or 3rd five year term.
4. BIDs are usually started by a Town Centre Partnership or group of businesses with a vision for the future, a willingness or financial self-interest in their town, and they use the levy to deliver projects that businesses are prepared to vote and pay for. The projects are additional to the services provided by the public sector and are not a replacement for existing services.
5. BIDs are a way for businesses to invest in their own futures by making an additional contribution (in the form of a levy) on top of business rates. Businesses within a defined area contribute a supplementary business rate based on each property's rateable value. In the first term (2015-2020), Hereford BID set the levy of 1.2% of rateable value which resulted in an overall budget of £1.5m. All properties with rateable value of less than £7,500 were exempt from paying but could make voluntary contributions.

6. The HBID has proposed to raise the levy to 1.5% of rateable value to deliver projects in the Business Plan (2020-2025). In addition the exemption threshold will be increased from £7,500 to £10,000 so that businesses with a rateable value of less than £10,000 will not be required to pay the levy. This will result in an overall budget of £1.765m.
7. HBID2 will also see the inclusion of professional services within the BID area paying a levy. Currently, professional services are exempt, however, they will be required to pay the levy upon a 'yes' vote from 2020.
8. For the BID to be implemented a ballot of businesses within the proposed BID area is held. For the Hereford ballot an independent organisation, Electoral Reform Services, ran the ballot in 2015 and will also run the ballot for HBID2. The deadline for Herefordshire Council to cast its 25 votes will be by 5 pm on 24th October 2019.
9. Each hereditament within the BID area carries one vote; therefore, Herefordshire Council will have 25 votes in the ballot.
10. BIDs are managed by national legislation and this will give Herefordshire Council the right to challenge the BID at any time during its term if it the BID does not deliver against the Business Plan.
11. The projects proposed by the BID have been in consultation with BID businesses and Herefordshire Council. The projects provide value added services and do not duplicate existing activity. The projects also meet the council's aspirations for improving the city centre and it is noted that they will enhance the city's overall offer.
12. It is worth noting - even if Herefordshire Council decide to vote 'No' and the BID receives a majority 'Yes' vote, the Herefordshire Council and all BID based businesses are obliged to pay their respective levies regardless.

ROLE OF THE COUNCIL

13. There is a national decline in high street retail due to the changing shopping habits of consumers; Hereford shares these challenges and the council is taking steps to improve the footfall, vibrancy, and generally enhance the shopping experience within the city. The BID team are looking to capitalise on this and add to this offer with private sector investment. This approach is in line with local and national government policies and represents a significant opportunity to continue to enhance the city centre.
14. The collection of the levy is managed through an operating agreement between Herefordshire Council and HBID. As well as being a levy payer, the Herefordshire Council has responsibility to collect the BID Levy and transfer it to the BID Company. This role is defined in the operating agreement between the Herefordshire Council and HBID. The operating agreement is being reviewed for the second term but there are no fundamental changes being proposed to the agreement. The Director for Economy and Place has previously been delegated authority to sign this off.
15. The operating agreement outlines the procedures for collecting the levy and the roles of each partner during the BID term, it is proposed that Herefordshire Council's Revenues and Benefits Department will act as the Collecting Agent and will produce the annual levy invoices and collect the levy. An amount of £21.80 per hereditament per annum is being charged to the BID for this service.
16. The BID proposers will work closely with the public sector to ensure that the BID will represent good value for money. Herefordshire Council has already supported the BID in its

first term and has benefitted from increased footfall in the city centre, improvements to the public realm, improved safety within the city centre, enhanced civic pride and a better working relationship with the city's many businesses. The projects the bid has delivered during its first term are in the appended Business Plan.

17. Any significant changes to service delivery and implications affecting Herefordshire Council will be subject to negotiation and mutual agreement between the Herefordshire Council and HBID and will be dealt with in the change control measures within the operating agreement.

THE OPPORTUNITIES AND BENEFITS

18. If there is a "Yes" result for HBID2 the following range of benefits are expected:
19. A successful "Yes" vote would raise an additional £1.765m over five years through private sector contributions to the BID levy. The HBID Business Plan outlines activities that are in addition to the suite of council services that are delivered across the city. This investment will be used to support the development of the visitor and shopping experience within the city, helping to increase the footfall and improve the performance of local businesses.
20. A well-organised and balanced voice for businesses in the city centre which the Local Authority can consult with on key issues affecting the city centre.
21. An opportunity to see projects delivered which will benefit Hereford, but which fall outside the scope of the council's resources.
22. In its first term (2015-to date), HBID successfully delivered the projects and services it set out to in the in the original Business Plan in the following five areas:

Increasing footfall

Introduction of Ferrous Festival of Artist Blacksmithing which attracted 10,000 new visitors in 2017 and 45,000 new visitors in 2019;

The Hereford City Life Brand for all consumer communications which had 50,000 consumer visits;

Free Wi-fi around the city centre, which allows communications to 12,000 people who have signed up;

Introduction of footfall tracking for day and night time economies – footfall increased by 3% and dwell times by 8 minutes over last three years;

Christmas advertising to 88,000 homes.

Herefordshire experience

Appointment of Handy Team who remove chewing gum, paint street furniture and clean the public realm;

Painted alleyways at Mansion Walk, Union Passage and Capuchin Lane;

Providing gull-proof sacks and new waste bins;

Eighty extra Christmas trees and lights;

Attractive window vinyls on high profile empty shops and over 720 hanging baskets and window boxes.

Getting here, getting about

New pedestrian signage including 13 visitor map boards and 23 finger posts;

Parking information and promotion of Ringo on website and maps to encourage longer stays;

Co-ordinated voice for city centre businesses on issues such as parking, cycling and other incentives;

Free parking promotions during certain seasons to encourage more customers;

Safety and security

Targeted campaigns to reduce anti-social behaviour in hot spots;

Team Hereford working in partnership with the Police and Council to target and reduce crime;

Street pastors for the daytime to provide a friendly welcome and signposting service to visitors;

Rollout of DISC (online app) which 140 businesses have joined to record and share information about anti-social behaviour and crime;

Support to Vennture to gain Purple Flag Status.

Profit: your bottom line

Subsidised training courses on social media, marketing, first aid, merchandising, display and security;

A pilot scheme to reduce business overheads;

Increasing footfall into the city and providing footfall data with businesses;

Regular newsletters and e-bulletins to keep businesses up to date with what is happening in the city;

Champion groups and networking events providing opportunities to meet with other businesses;

Business Award event with the Hereford Times.

23. A more attractive city encourages inward investment and increases footfall, which can have a positive effect on business rates and car parking income. Also, improvements to trading conditions and the city centre as a whole will greatly improve Hereford's chances of moving up the National Retail Index, which opens up opportunities for investors.
24. It is considered that the benefits outlined in this section of the report provide a reasonable justification to recommend a vote in favour of the establishment of the HBID2 in Hereford and

to allocate the level of finance, identified below, which would result as a consequence of a successful “Yes” vote.

Community impact

25. The projects in the appended Business Plan are intended to make the city centre more attractive and provide a clean and safe environment, a positive sense of place and enhanced feeling of safety and well-being benefiting businesses, visitors and residents alike.
26. Making improvements to the public realm will create a more appealing environment for employees, improving staff retention and adding to the quality of life experience.
27. The BID provides the basis for better co-ordination of the business community within the BID area and promotes opportunities for collaboration.
28. The BID carries out a number of marketing campaigns, which helps to promote the town centre as a destination, to develop its identity and increase visitor numbers.
29. The BID provides a platform to develop a better partnership between the public and private sector.
30. The BID encourages corporate social responsibility among its members and produces benefits for the greater good.

Equality duty

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Acceptance of the recommendations in this report will not have a detrimental impact on any of the nine protected characteristics. By working together, the BID and Herefordshire Council will achieve common goals and benefit from value added services (improved public realm and an improved local trading environment). The benefits realised, such as social well-being and improved overall quality of life for businesses, visitors and residents, will be accessible to all.

Resource implications

31. There are 25 council owned hereditaments (properties and car parks) in the proposed BID area. The rateable value of these totals £1,433,000.

32. The levy (amount that businesses have to pay) for the next five year term is set at 1.5% of rateable value, therefore, the annual cost to the council is £21,495 – an increase of £14,790. Please note - the Business Plan makes a provision for an increase of 3% or RPI each year (p. 20 point 5 of the BID rules). Approximately £25,000 may be payable by Year 5, provided that inflation does not exceed 3% per annum.
33. The increase of £14,790 per annum on the existing HC annual contribution is a result of the levy increasing from 1.2% to 1.5% between the two bid terms and the inclusion of additional council properties due to a slight change in the bid boundary between the HBID1 and HBID2.

Revenue budget implications	2019/20	2020/21	2021/22	Future Years	Total
This will be the difference between the existing BID levy which is already funded within budget and the new levy.	£000	£14,790	£14,790	£44,370	£73,950
<i>There is a negative impact on the Property Services Business Rates budget of £14,790 per annum compared to contributions Herefordshire Council currently pays during the first five year term.</i>					
TOTAL	£000	£14,790	£14,790	£44,370	£73,950

Legal implications

34. Herefordshire Council's BID is regulated by The Business Improvement Districts (England) Regulations 2004 and the Business Improvement Districts (England) Regulations 2004.
35. Herefordshire Council is the billing authority for the purposes of the Local Government Act 2003 and is responsible for collecting the BID levy and administering the BID revenue account, which shall be used towards the operation of the BID within the area of Herefordshire Council and the funding of the BID arrangements.
36. The BID company is responsible for the operation of the BID and for using the BID levy for the purposes of achieving the BID arrangements.
37. An Operating Agreement between the BID company and the Council establishes the collection regime in relation to the Bid Levy and provides for the monitoring of the regime by a Monitoring Group consisting of an equal number of representatives of both the

jointly resolve issues.

If the BID receives a no vote this will result in £1.765m (in the main) private sector investment being used on projects within the city. It is likely that Herefordshire Council will be approached to provide the value added services having further budget implications.

Vote in favour of HBID2

Consultees

43. There has been no response received from Members to the Political consultation.

Appendices

Appendix 1 - HBID Business Plan 2020 – 2025.

Background papers

None.



VOTE YES FOR HBID

Hereford **BID**
Investing in our City

BUSINESS PLAN
2020-2025



VISION

To enhance, develop
and promote our
truly distinctive city
of Hereford for the
benefit of our members.

MESSAGE FROM THE BOARD

MEET THE BOARD

Directors:

Alan Anderson
Old Market (Property sector)

Sarah Caton
Monsoon (National retail sector)

Christian Dangerfield
Green Dragon Hotel (Tourism and leisure sector)

Ruth Denison
St Michael's Hospice (Independent retail sector)

Matthew Hayes
Harrison Clarke Rickerbys (Professional sector)

Jade Owen
The Den Restaurant (Hospitality sector)

Ali Rogers
Escape on Church Street (Independent retail sector)

Bill Sewell
All Saints Café (Hospitality sector)

Kieran Smith
Specsavers (National retail sector)

Nick Webster
Herefordshire Council (Public sector)

Simon Whiting
Maylord Shopping Centre (Property sector)

Observer

Paul Stevens
Hereford City Council (Public sector)

Since it was set up in 2015, Hereford BID has played an increasingly important role in the life of the city centre. We now have a track record of effective project delivery and are respected consultees on many aspects of city life. We have developed positive relationships with levy payers over this period as we and they learn how best we can make Hereford an ever better place to do business.

Approaching the end of our first five-year term, we are asking for your support in the forthcoming ballot to ensure that the foundations we have built can serve as a solid base for future successes as we continue and develop new projects.

We have created a clear voice for business in the city, have improved the public realm, providing free Wi-Fi, attractive planting, informative signage and regular care for the fabric. We have improved communications between businesses and the public sector. We have created exciting events and successful marketing campaigns to stimulate more visits to the city.

In developing this proposal for 2020-2025, we have carefully reviewed what has been achieved and importantly, through our conversations with you,

have focused on what still remains to be done and how we can best help your business.

Don't allow this great start to be wasted, but support Hereford BID by voting for even higher standards of delivery in the next five years. We are excited to see these proposals put into action and watch Hereford grow and prosper.

Our thanks go to all those businesses who have helped the BID to deliver on its initial promises, to the busy people who have made time to serve as directors of Hereford BID and to the staff team responsible for project delivery.

Matt Hayes
Chairman of the Board



“ Old Market shopping centre had only just opened when the BID started, but the BID team has worked closely with the centre management team to make sure that we all feel part of the city. We can't wait to get involved with the new promotions and events they are planning. ”

Emma Firth, Seasalt,
Garrick Lane, Old Market

FIVE YEARS OF ACHIEVEMENT 2015-2020

Hereford BID has successfully delivered the projects and services we set out in our first business plan in these five areas:

- INCREASING FOOTFALL
- HEREFORD EXPERIENCE
- SAFETY AND SECURITY
- GETTING HERE, GETTING ABOUT
- PROFIT: YOUR BOTTOM LINE

The next pages illustrate what we have done to fulfil those promises.



INCREASING FOOTFALL

You told us you wanted more people to come to Hereford and to stay longer.

WE DELIVERED...

1. A major new event: the Ferrous Festival of Artist Blacksmithing which attracted 10,000 new visitors to Hereford in 2017 and 45,000 new visitors in 2019.
2. Christmas advertising to 88,000 homes and themed promotions, competitions and entertainment each year.
3. Themed trails e.g. Hallowe'en, Easter and the Lego Trail, to encourage city centre users to explore the whole city and stay in town longer.
4. Free Wi-Fi around the city centre, with £85,000 grant funding from Herefordshire Council.
5. Footfall tracking using the Wi-Fi and sharing the data with you each week, with separate reports for the day and night-time economies. **Footfall up 3.5% over last 3 years and average dwell time up 8 minutes.**
6. A monthly what's on newsletter to the 12,000 consumers signed up to Wi-Fi.
7. The Hereford City Life brand for all consumer communications on our website, social media, print and PR. We have 3,500 followers on Facebook, 2,500 on Instagram, and just short of 50,000 used our consumer website in the last year.
8. *Alive after Five*, a programme of seasonal events and entertainment to keep shoppers and leisure users in the city longer.

HEREFORD EXPERIENCE

You told us Hereford needed to look smarter, empty units tidied up, and areas around town needed a facelift.

WE DELIVERED...

1. The Handy Team to remove chewing gum, paint street furniture and spread TLC around the city centre.
2. A voice for business on city centre improvements in High Town and Commercial Street.
3. Over 720 hanging baskets and window boxes.
4. Attractive window vinyls on high-profile empty units.
5. A garden in Brewers' Passage where there used to be a grot spot.
6. Freshly painted alleyways at Mansion House Walk, Union Passage and Capuchin Lane.
7. New waste bins.
8. Gull-proof refuse sacks.
9. 80 extra Christmas trees and lights.





SAFETY AND SECURITY

You told us Hereford is a safe place, but you wanted rapid response to problems and a reduction in anti-social behaviour.

WE DELIVERED...

1. Team Hereford in partnership with the Police and Council to target and reduce crime.
2. DISC the online app which over 140 businesses have joined to record and share information about anti-social behaviour and crime.
3. Targeted campaigns to reduce anti-social behaviour in hot spots.
4. Street Pastors for the daytime, working with Vennture, to provide a friendly welcome and signposting service.
5. Support to Vennture to gain Purple Flag status.



“ Hereford BID has made a measurable difference to my bottom line. I now have a number of regular customers and students in every week as a direct result of initially coming in during events organised by the Hereford BID such as the Halloween and Easter egg trail.

The loyalty app is an interesting idea and could really drive people back into shops rather than using the online option.

I think we, as BID members need to take a look at what we’re doing in our shops and understand that the Hereford BID are getting people into town but we need to make our shops attractive to get the people through our doors and keep them coming back. ”

Ben Turner, Hereford Music Shop,
Commercial Road

PROFIT: YOUR BOTTOM LINE

You told us business costs are rising and you wanted help to make the most of your business.

WE DELIVERED...

1. Footfall counting through the new Wi-Fi system and shared footfall data with you every week.
2. Subsidised training courses on social media, marketing, first aid, merchandising, display, and security.
3. A pilot scheme to reduce business overheads and benchmarked the costs of doing business.
4. A business awards event with the Hereford Times.
5. Street champions groups and networking events for you to meet other businesses.
6. Newsletters and e-bulletins to keep your business up-to-date on what’s happening in the city.
7. A voice for business to make it easier to operate in Hereford.



GETTING HERE, GETTING ABOUT

You told us that getting to and around Hereford needed improvement.

WE DELIVERED...

1. Distinctive, new pedestrian signage across the city centre with 23 finger posts and 13 map boards to guide visitors and residents and highlight attractions.
2. A louder voice for business on parking and cycling issues, charging and incentives.
3. Information on parking on our website and our map boards.
4. Maps to make sure customers know about RingGo pay by phone parking, and don’t rush off before they make a purchase.
5. Free parking promotions at certain seasons to encourage customers to town.
6. The business view about co-ordinating road closures e.g. on the A49.



LOTS TO LOSE, WITHOUT HEREFORD BID



Before



After

- £1.765m investment in Hereford City Centre.
- Responsive handyman service which cares for the city.
- Improvements to the public spaces: street furniture, gum and graffiti removal, alleyway painting, CCTV, vinyls for empty units.
- Over 200 hanging baskets and window boxes in the city centre each year.

- Free Wi-Fi across the city centre.
- Weekly footfall reports for day and night-time economies.
- Monthly newsletter to 12,000 consumers interested in Hereford.
- HerefordCityLife.co.uk consumer facing website.

- DISC crime reduction app.
- Team Hereford to reduce crime.

“ The new BID plan looks exciting and we’re especially pleased that so much of the focus is on promoting Hereford. There are so many great food and drink businesses in the city, that shouting about them to residents and beyond is a real must, especially with all the new students, staff and families who will be arriving as the new university opens its doors. ”

Jonny Wright, Hereford Beer House,
West Street



Before



After



- Positive PR for Hereford city centre.
- Ferrous Festival of Artist Blacksmithing.
- Christmas promotions.
- Halloween promotions.
- Easter promotions.
- Other seasonal and thematic promotions.
- Support for other events e.g. Three Choirs and the Poppies tour.
- Promotion of your business on social media.

- A strong voice for business.
- Business updates so you know what’s happening.



YOUR BID, YOUR VIEWS

Looking forward to the next five years, we invited businesses to tell us how they felt about the BID, which were the most useful projects and what they would like to see in a future BID term, to make sure that the BID works for you.

We circulated a survey to all businesses and ran five levy payer discussion groups to which all businesses were invited. These initial meetings informed the content of our outline business plan. With the plan in hand we have visited 80% of businesses in person to talk about the future and fully understand business views. We have also met with other stakeholders who affect the trading environment to put your views to them.

GOING FORWARD, YOU TOLD US YOU WOULD LIKE TO SEE:

- Events and promotions to bring more customers to Hereford.
- Joined-up communications.
- An events' clash diary.
- Extra funding to bring larger events to the city.
- Reliable and well-populated website.
- More high-profile marketing campaigns.
- More promotion at Christmas.
- More promotion of night-time economy.
- A warm welcome and sense of theatre in the city – make Hereford truly distinctive.
- Improvements to the appearance and maintenance of the city.
- Empty units to be filled.
- Handy Team adding an extra shine to Hereford.
- A cleaner, better presented city/public space.
- More floral displays.
- Continue to run security projects such as DISC.
- Make sure criminal behaviour orders are enforced.
- A strong and well co-ordinated voice for business.
- Free maps for visitors.
- Data on spend in the city.
- More partnership working.

We have taken these ideas and used them as the basis for our plan.



THE NEXT FIVE YEARS: PROJECTS

Based on the feedback we have received from business our proposal for 2020-2025 sees projects delivered across three main themes, which aim to build on the achievements of the first BID term.

- **HIGH-PROFILE HEREFORD: PROMOTION AND EVENTS**
- **THE HEREFORD EXPERIENCE: WELCOMING, SAFE AND CLEAN**
- **BUSINESS VOICE: LOBBYING AND SUPPORT**

We will aim to increase the profile of Hereford locally and nationally, working with local partners to send a strong message about the distinctiveness that is Hereford, through promotional campaigns and events.

We will work hard to improve the Hereford experience, ensuring a warm welcome to a city which is attractive, clean and safe.

We will create an even stronger voice for business, seeking and sharing your collective view on key issues with those who have the power to affect the trading environment.

The next six pages set out our plans in more detail.

WHAT THE BID WILL DELIVER 2020-2025

HIGH-PROFILE HEREFORD: PROMOTION AND EVENTS

PROMOTING BUSINESSES

We will continue to help promote BID businesses using our consumer marketing channels: regular posts and video on our social media accounts on Facebook @herefordcitylife and Instagram hereford_city_life as well as newsletters to our 12,000 signed up consumers, business listings and what's on pages on our consumer website www.herefordcitylife.co.uk. We will go on providing free Wi-Fi across the city centre and improve the targeted marketing to those who have signed up.

MORE EXCITING EVENTS

We will build on the success of the Ferrous Festival of Artist Blacksmithing in partnership with Hereford College of Arts, attracting more than the 45,000 visitors who attended in 2019. We will work actively to raise significant additional funding from grants and sponsorship to raise Hereford's profile by developing Ferrous and bringing other world-class events to Hereford.

“ The Ferrous blacksmithing event was great for us. There were loads of people in town over the weekend, from all over the country and overseas. Our sales were up as so many people took the chance to relax and explore the city. ”

Ruth Flint, Hotel Chocolat,
High Town

LOYALTY APP

We will introduce an online loyalty app for Hereford hosted on a national platform to help businesses retain customers with loyalty offers and incentives. The app providers will promote these digitally to the Hereford customer base and beyond. The app will provide each business with a dashboard so that they can see instantly which offers work best and what take-up has been, and will alert customers in the vicinity of an incentive that is available.

MARKETING FOR THE FUTURE

We will work with a range of local partners to create a joint marketing strategy for the city, to promote all that's good about Hereford, creating shared messaging and a coherent look and feel to convey the distinctiveness of the city. To help us with this we will work with a marketing expert who can help generate successful promotional campaigns within and beyond the city.

SEASONAL MARKETING

We will continue to promote Hereford at key dates throughout the year, including bigger and better Christmas promotions and entertainment as well as other important trading periods.

£716,000
OVER 5 YEARS





WHAT THE BID WILL DELIVER 2020-2025

THE HEREFORD EXPERIENCE: WELCOMING, SAFE AND CLEAN

“ We worked closely with Mike and the BID team on the Healthy High Streets project. One legacy from that is that we now know the managers in the other stores much better and together we can make a real difference to the visitor welcome you get in Hereford. ”

Kris Peruzza, Wilko,
Trinity Square

ENHANCING THE HEREFORD EXPERIENCE

We plan to increase floral planting across the BID area and through the year and create a style that is recognisably Hereford. And we'll add to the Christmas cheer with extra seasonal elements.

At the same time, we'll make sure our handy team adds value to the Council's service delivery by putting that extra shine on the city's streets. They'll do this by concentrating on the nooks and crannies, removing chewing gum and monitoring other service providers. We will continue to decorate empty units and encourage landlords to place pop-up shops and galleries in their empty spaces to help animate the city.

We'll also provide visitor maps to businesses, based on the distinctive signage we installed in BID1, to make sure anyone who visits is well looked-after and can find the great attractions Hereford is home to.

“ Since the BID started we've seen a huge change in the way businesses, police and councils co-operate with one another to make Hereford even safer than before. Team Hereford and the DISC crime-reduction app has tripled the number of businesses actively working together to reduce crime. We'd be lost without the BID now. ”

Mike Long,
Superdrug, Eign Gate

SAFETY AND SECURITY

We will continue to run and expand the membership of DISC, the successful online crime reduction app, which is already used by over 140 businesses. And we'll keep working with Police, local authority and third sector partners to curb anti-social behaviour.

We'll also make a small contribution to the costs of running CCTV to make sure there is extra cover at key times.

£442,000
OVER 5 YEARS



**VOTE YES
FOR THE
HEREFORD
EXPERIENCE**



WHAT THE BID WILL DELIVER 2020-2025

BUSINESS VOICE: LOBBYING AND SUPPORT

“ We have used the BID’s weekly footfall reports to send on to head office. Now they realise that we are in the right part of town for our business. ”

Tom Watson, RE Resourcing, Commercial Road

LOBBYING

We will consult with businesses to understand the predominant view on specific issues and make firm representations to relevant public, private and third sector organisations where their plans and decisions make it harder to do business in Hereford.

STRATEGY

The BID will play an active role in shaping policy on the city centre, transport and policing; continuing as members of key decision making groups e.g. the Hereford Area Plan group, the City Centre Improvements group and similar.

DATA

We will continue to collect footfall and marketing data from our Wi-Fi system and elsewhere, and consider buying commercial data about Hereford’s market position, its catchment, and the volume and value of tourism to inform the decisions the BID makes about strategy and marketing.

“ Networking is the most important part of doing business. The BID really helps us keep in touch with one another. ”
Steven Thomas,
Watkins Thomas Estate Agents,
King Street

NEWSLETTERS AND ANNUAL REPORT

We will produce and circulate to all levy payers and interested stakeholders an annual report on the BID’s activities and will send regular newsletters and post information on www.herefordbid.co.uk to keep you up-to-date with all things to do with Hereford.

NETWORKING EVENTS

We will run or collaborate with partners to run relaxed, regular and informative networking events throughout the year to provide businesses with opportunities to meet, share and learn from one another.

£231,000 OVER 5 YEARS

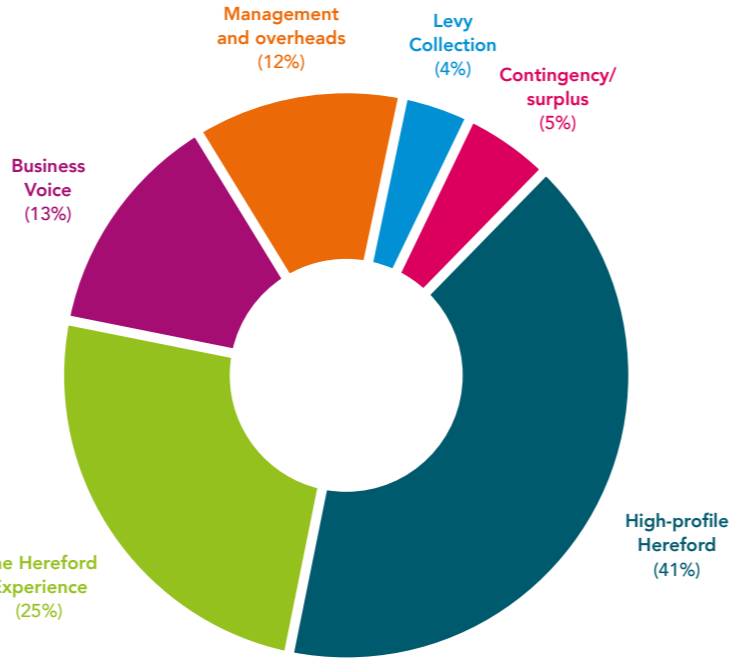


VOTE YES FOR A BUSINESS VOICE

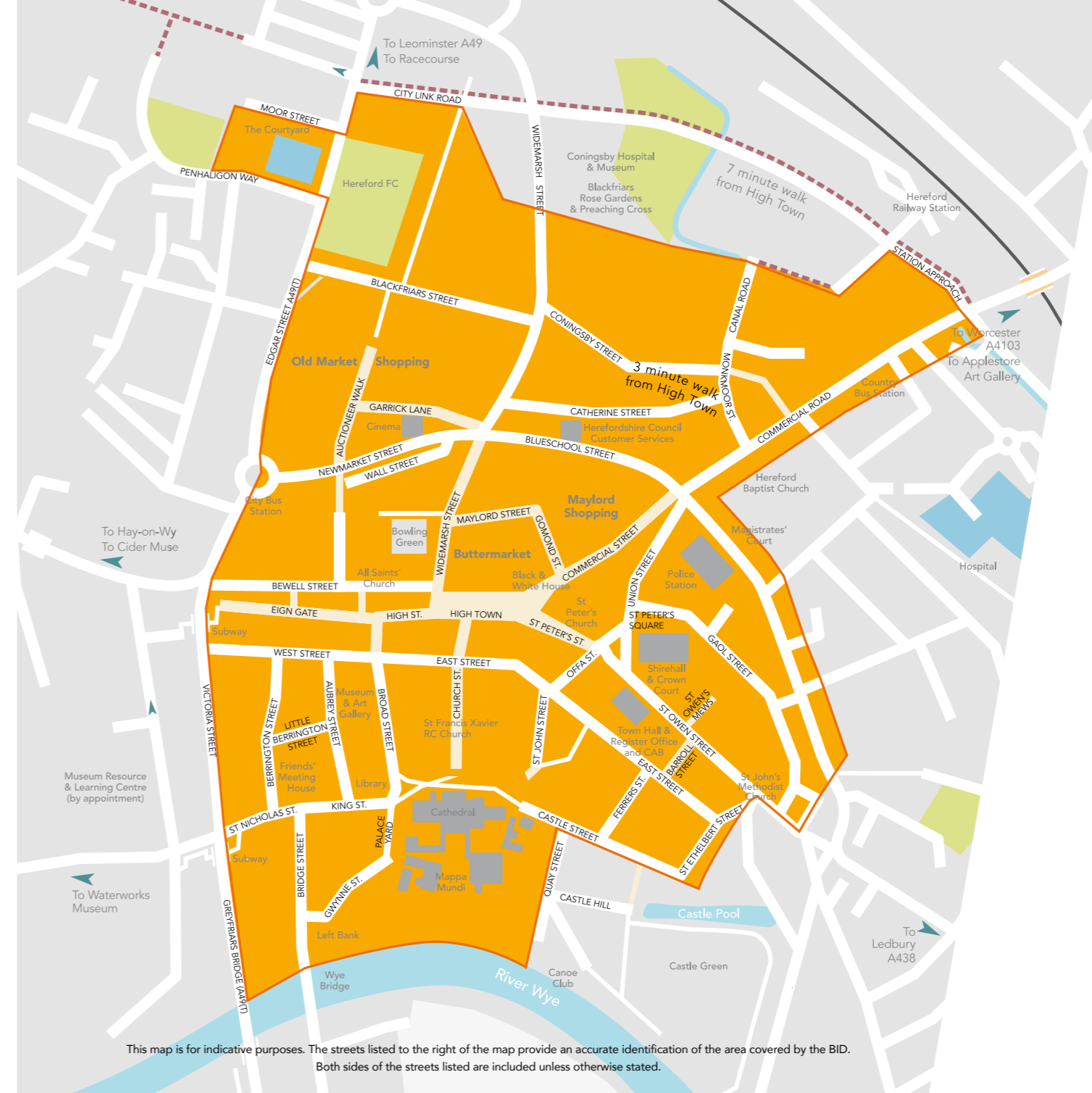
FINANCE

Income	Year 1 2020-2021	Year 2 2021-2022	Year 3 2022-2023	Year 4 2023-2024	Year 5 2024-2025	Years 1-5 Total 2020-2025
Levy	318,000	318,000	318,000	318,000	318,000	1,590,000
Commercial income	10,000	10,000	10,000	10,000	10,000	50,000
Grants and sponsorship	20,000	20,000	20,000	20,000	20,000	100,000
Voluntary memberships	5,000	5,000	5,000	5,000	5,000	25,000
Sub-total	353,000	353,000	353,000	353,000	353,000	1,765,000

Expenditure	Year 1 2020-2021	Year 2 2021-2022	Year 3 2022-2023	Year 4 2023-2024	Year 5 2024-2025	Years 1-5 Total 2020-2025
Project spending						
High-profile Hereford	137,000	142,000	144,000	146,000	147,000	716,000
The Hereford Experience	86,000	89,000	89,000	89,000	89,000	442,000
Business Voice	51,000	40,000	50,000	40,000	50,000	231,000
Sub-total	274,000	271,000	283,000	275,000	286,000	1,389,000
Other spending						
Management and overheads	44,000	44,000	44,000	44,000	44,000	220,000
Levy collection	15,000	15,000	15,000	15,000	15,000	75,000
Contingency/surplus	20,000	23,000	11,000	19,000	8,000	81,000
Sub-total	79,000	82,000	70,000	78,000	67,000	376,000
Total expenditure	353,000	353,000	353,000	353,000	353,000	1,765,000



The income figure for levy, above, is based on the 2017 NNDR list provided by Herefordshire Council with a total of 495 eligible hereditaments and a total rateable value of £22,086,125. We have assumed likely collection rate of 96% based on prior experience. Contingency amounts are based on approx. 5% of income. Management and overhead costs include provision of office accommodation and associated costs, non-project staffing and IT, legal and accountancy costs. Additional contributions are estimates based on previous experience.



This map is for indicative purposes. The streets listed to the right of the map provide an accurate identification of the area covered by the BID. Both sides of the streets listed are included unless otherwise stated.

HERFORD BID AREA

The map shows the proposed Hereford BID area coloured in yellow. Businesses which meet the criteria set out on page 20 and are located in one of the streets listed below will be included in the BID and therefore required to pay the BID levy in each year of the BID term.

- List of Streets**
- Aubrey Street
 - Auctioneer Walk
 - Barroll Street
 - Bath Street
 - Berrington Street
 - Bewell Street
 - Blackfriars Street
 - Brewers Passage
 - Bridge Street
 - Broad Street
 - Canal Road
 - Castle Street
 - Cathedral Cloisters
 - Cathedral Close
 - Catherine Street
 - Church Street
 - Commercial Road
 - Commercial Square
 - Coningsby Street
 - East Street
 - Edgar Street (Courtyard Theatre & Football Ground only)
 - Eign Gate
 - Ferrers Street
 - Gaol Street
 - Garrick Lane
 - Gomond Street
 - Gwynne Street
 - High Street
 - High Town
 - King Street
 - Little Berrington Street
 - Mansion House Walk
 - Maylord Street
 - Newmarket Street
 - Offa Street
 - Palace Yard
 - St Ethelbert Street
 - St John Street
 - St Nicholas Street
 - St Owen Street (odd nos. 1-65 and even nos. 2-46)
 - St Peters Square
 - St Peters Street
 - St. Peters Close
 - Station Approach
 - The Atrium
 - Trinity Square
 - Union Passage
 - Union Street
 - Wall Street
 - West Street
 - Widemarsh Street (odd nos. 1-99 and even nos. 2-106)

MANAGEMENT AND GOVERNANCE

The BID Regulations 2004 set out the regulatory framework in which BIDs must operate.

The management and governance of Hereford BID will be open and transparent and accountable to levy payers. Hereford BID operates as a company limited by guarantee and has a volunteer Board of Directors.

The Board is responsible for setting the strategic direction of the BID, for its financial management and for monitoring performance to ensure that projects are delivered in accordance with the information provided in this plan.

The Board will meet no fewer than 6 times a year. It will publish annual accounts to the BID website.

The make-up of the Board will aim to reflect the sectoral mix of the levy-paying businesses in the BID, including representation of both independent and national businesses. It will comprise 8-12 directors. The Board is non-political.



Target Board Composition

The BID will enter into the following legal agreements with Herefordshire Council as required by the BID legislation:

- Baseline agreement which sets out the minimum service standards to be delivered by Herefordshire Council.
- Operating agreement which defines the contractual arrangements for collection and enforcement of the BID levy.

Copies of these agreements can be viewed at www.herefordbid.co.uk/BID2



BID LEVY RULES

1. The BID levy rate will be charged at 1.5% of the rateable value (RV) as at 1st April 2020 based on the 2017 national non-domestic rates list (NNDR) provided by Herefordshire Council.
2. All new hereditaments entering the rates list after this date will be charged at the rate prevailing on the date they enter the list.
3. The levy will be charged annually in advance starting on 1st April 2020. In the event of change of occupation, refunds will be made based on the unexpired period for that chargeable year and the new occupier will be charged for the remainder of that chargeable period. No other refunds will be made.
4. For each subsequent chargeable year, the levy will be charged as at 1st April based on the rates list values prevailing at that time.
5. The BID Board reserves the right to increase the BID levy by an annual inflation factor equivalent to 3% or RPI whichever is the higher (i.e. the levy in year 2 may increase from 1.5% of RV to 1.54% of RV).
6. The BID levy will apply to all hereditaments in the defined area with a rateable value of £10,000 or more provided they are listed in the NNDR list.
7. The following types of business are exempt from paying the BID levy:
 - a. Hereditaments used solely for industrial, manufacturing, storage and workshop purposes
 - b. NHS premises and under 18s education facilities
 - c. Private car parking spaces rented by the month or longer
 - d. ATMs, communications masts and advertising hoardings
 - e. Hereditaments with an RV of less than £10,000

There are no other exclusions.
8. For vacant properties and those being refurbished the registered business rate-payer will be liable to pay the BID levy.
9. Collection and enforcement regulations will be in line with those used for collecting business rates. The BID Board of Directors is responsible for writing off any debts.
10. Herefordshire Council or its appointed agent is solely responsible for collecting the BID levy on behalf of the BID Company. The BID levy is kept in a separate BID revenue account until transferred to the BID Company.
11. The BID Board may vary the projects, their costs and timescales provided they remain in line with overall BID objectives.
12. The BID boundary cannot be altered without an alteration ballot.
13. VAT will not be charged on the BID levy.
14. The BID term will run for five years from 1st April 2020 to 31st March 2025.
15. Those not meeting the above criteria for inclusion in the BID may apply to become voluntary members. Voluntary members are not entitled to vote. Voluntary members pay an annual subscription equivalent to the levy rate or £150 whichever is greater.

BID BALLOT

WHAT HAPPENS IF IT'S A YES VOTE

If businesses vote for the BID proposals this would see Hereford BID continue for a further five years from 1st April 2020 and it would mean:

- £1.765m to invest in Hereford city centre over five years.
- BID projects started in BID1 would be able to continue.
- New projects will be delivered to help the city centre thrive.
- Business will be able to make its voice heard clearly where and when it matters.

AND IF IT'S A NO VOTE

Hereford BID will cease to exist on 31st March 2020 and all projects funded by the BID will end.

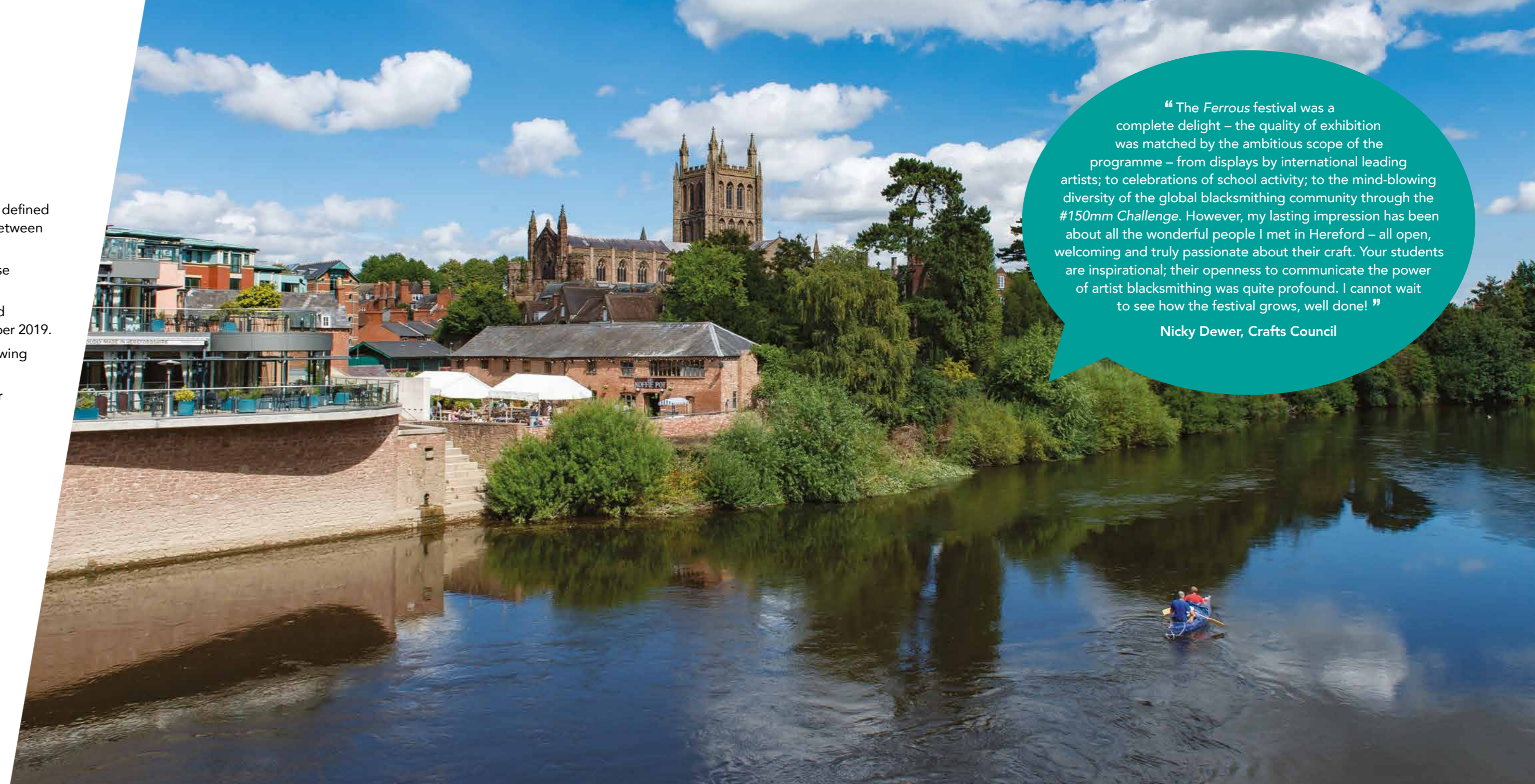
The BID is the only body which can create a clear voice for business and deliver the projects which business wants.

BALLOT TIMETABLE

Campaign Launch	9 th September 2019
Publication of Notice of Ballot	12 th September 2019
First Day of Ballot	26 th September 2019
Last Day of Ballot	24 th October 2019. Voting ends at 5pm
Announcement of Ballot Result	25 th October 2019
First day of Hereford BID's second term	1 st April 2020

BALLOT DETAILS

1. A postal ballot of eligible business ratepayers as defined by the rules set out on page 20 will take place between 26th September and 24th October 2019.
2. Ballot papers will be delivered by post to all those eligible to vote on 26th September.
3. The voter must cast their vote by completing and returning the ballot paper by 5pm on 24th October 2019.
4. The BID ballot will be successful if both the following criteria are satisfied:
 - More than 50% of the votes cast are in favour of the proposal.
 - The YES vote represents more than 50% of the total rateable value of all votes cast.
5. The result of the Ballot will be announced on 25th October 2019.



“ The *Ferrous* festival was a complete delight – the quality of exhibition was matched by the ambitious scope of the programme – from displays by international leading artists; to celebrations of school activity; to the mind-blowing diversity of the global blacksmithing community through the *#150mm Challenge*. However, my lasting impression has been about all the wonderful people I met in Hereford – all open, welcoming and truly passionate about their craft. Your students are inspirational; their openness to communicate the power of artist blacksmithing was quite profound. I cannot wait to see how the festival grows, well done! ”

Nicky Dewar, Crafts Council

LOTS TO GAIN WITH **HEREFORD BID,** LOTS TO LOSE WITHOUT IT

VOTE YES FOR

- £1.765m investment in Hereford city centre over 5 years.
- Responsive handy team service which cares for the city.
- Improvements to our city's public spaces.
- A floral city with over 200 hanging baskets and window boxes.
- An attractive, clean and safe city.
- Chewing gum and graffiti removal.
- Free Wi-Fi across the city centre and weekly footfall reports.
- Newsletters to consumers interested in Hereford.
- Consumer facing website: www.herefordcitylife.co.uk.
- DISC crime reduction app.
- Team Hereford to reduce crime.
- Positive PR for Hereford city centre.
- Promotion of your business on social media.
- More great events like Ferrous Festival of Artist Blacksmithing.
- Masses of promotion at Christmas, Halloween, Easter and other key seasons.
- Support for other events e.g. Three Choirs and the Poppies tour.
- A clear voice for business.
- Business updates so you know what's happening.

**IF YOU VOTE NO TO BID2 ALL OF THESE SERVICES WILL STOP.
TO MAKE SURE THE PLANNED PROJECTS HAPPEN:**

**VOTE YES BETWEEN
26TH SEPTEMBER AND 24TH OCTOBER 2019**



