

CORPORATE AND CUSTOMER SERVICES

Director: Mrs. J.E. Jones

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: AMcL/CD

Please ask for: Mrs. C. Dyer

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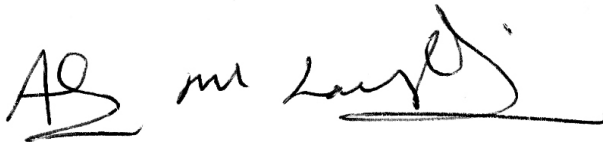
17th May, 2007

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the annual meeting of the County of Herefordshire District Council to be held on **FRIDAY, 25TH MAY, 2007** at The Assembly Hall, Shirehall, Hereford. at **11.30 a.m.** at which the business set out in the attached agenda is proposed to be transacted.

Please note that 30 car parking spaces will be reserved at the Shirehall and 10 car parking spaces at the Town Hall for elected Members.

Yours sincerely,



A. McLAUGHLIN
HEAD OF LEGAL AND DEMOCRATIC SERVICES



A G E N D A

COUNCIL

Date: **Friday, 25th May, 2007**

Time: **11.30 a.m.**

Place: **The Assembly Hall, Shirehall,
Hereford.**

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

For any further information please contact:

*Christine Dyer, Democratic Services
Manager*

**Tel: 01432 260222, e-mail:
cdyer@herefordshire.gov.uk**

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the COUNCIL

To: All Members of the Council

Pages

Please note that under the provisions of the Local Government Act 1972, the outgoing Chairman, J.W. Edwards and the Vice-Chairman, Councillor J. Stone, continue in office until the election of the Chairman and the appointment of Vice-Chairman at the Annual Meeting of the Council.

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| <p>1. CHAIRMAN
To elect the Chairman of the Council.</p> <p>2. PRAYERS</p> <p>3. APOLOGIES FOR ABSENCE
To receive apologies for absence.</p> <p>4. DECLARATIONS OF INTEREST
To receive any declarations of interest by Members in respect of items on this Agenda.</p> <p>5. VICE-CHAIRMAN
To appoint the Vice-Chairman of the Council.</p> <p>6. MINUTES
To approve and sign the Minutes of the meeting held on 27th April, 2007.</p> <p>7. PERSONS ELECTED AS COUNCILLORS</p> <p style="padding-left: 20px;">(a) To receive the report of the Returning Officer as to the persons elected on 3rd May, 2007 to serve as Councillors; and</p> <p style="padding-left: 20px;">(b) To note the number of persons so elected who have made their declarations of acceptance of office.</p> <p>8. POLITICAL COMPOSITION OF THE COUNCIL AND FORMATION OF POLITICAL GROUPS
To receive a report from the Chief Executive setting out the notifications received under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.</p> <p>9. APPOINTMENT OF THE LEADER OF THE COUNCIL
To appoint the Leader of the Council.</p> <p>10. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES AND OTHER BODIES
To exercise those powers reserved to Council at its Annual Meeting:</p> <p style="padding-left: 20px;">(a) To make appointments to the positions of Chairmen and Vice-Chairmanships of committees and other offices.</p> <p style="padding-left: 20px;">(b) To establish the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5) b of the Act which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.</p> | <p>1 - 14</p> <p>15 - 18</p> <p>19 - 22</p> <p>23 - 26</p> |
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- (c) To agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole.
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary.

Please note that the Council may be asked under this item to approve alternative arrangements to strict political proportionality for appointments to Committees and other bodies in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.

11. CHAIRMAN'S ANNOUNCEMENTS

To receive the Chairman's announcements and petitions from members of the public.

12. NOTICES OF MOTION UNDER STANDING ORDERS

To consider any Notices of Motion.

To give effect to any changes to the Constitution at the Annual Meeting of the Council it is necessary to suspend Standing Order 4.31. Notice is hereby given under Standing Order 4.32 of a motion to suspend Standing Orders which will have to be moved and seconded at the Annual Meeting.

13. DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 154 - GAMBLING ACT 2005

27 - 28

Council is asked to consider whether it wishes to delegate its function under Section 212 of the Gambling Act 2005.

14. STATEMENT OF PRINCIPLES IN ACCORDANCE WITH SECTION 349 - GAMBLING ACT 2005

29 - 46

Council is asked to consider the attached Statement of Principles under the Gambling Act 2005.

15. DATES OF FUTURE MEETINGS

Dates for Council meetings in the year 2007/08 are as follows:

- Friday 27 July 2007
- Friday 9 November 2007
- Friday 8 February 2008
- Friday 7 March 2008 (To set the budget and council tax)(Shirehall)
- Friday 16 May 2008 (Annual Council) (Shirehall)

All meetings will commence at 10.30 am and will be held in the Council Chamber, Brockington, 35 Hafod Road, Hereford unless advised otherwise.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

Please Note:

Agenda and individual reports can be made available in large print, Braille or on tape. Please contact the officer named below in advance of the meeting who will be pleased to deal with your request.

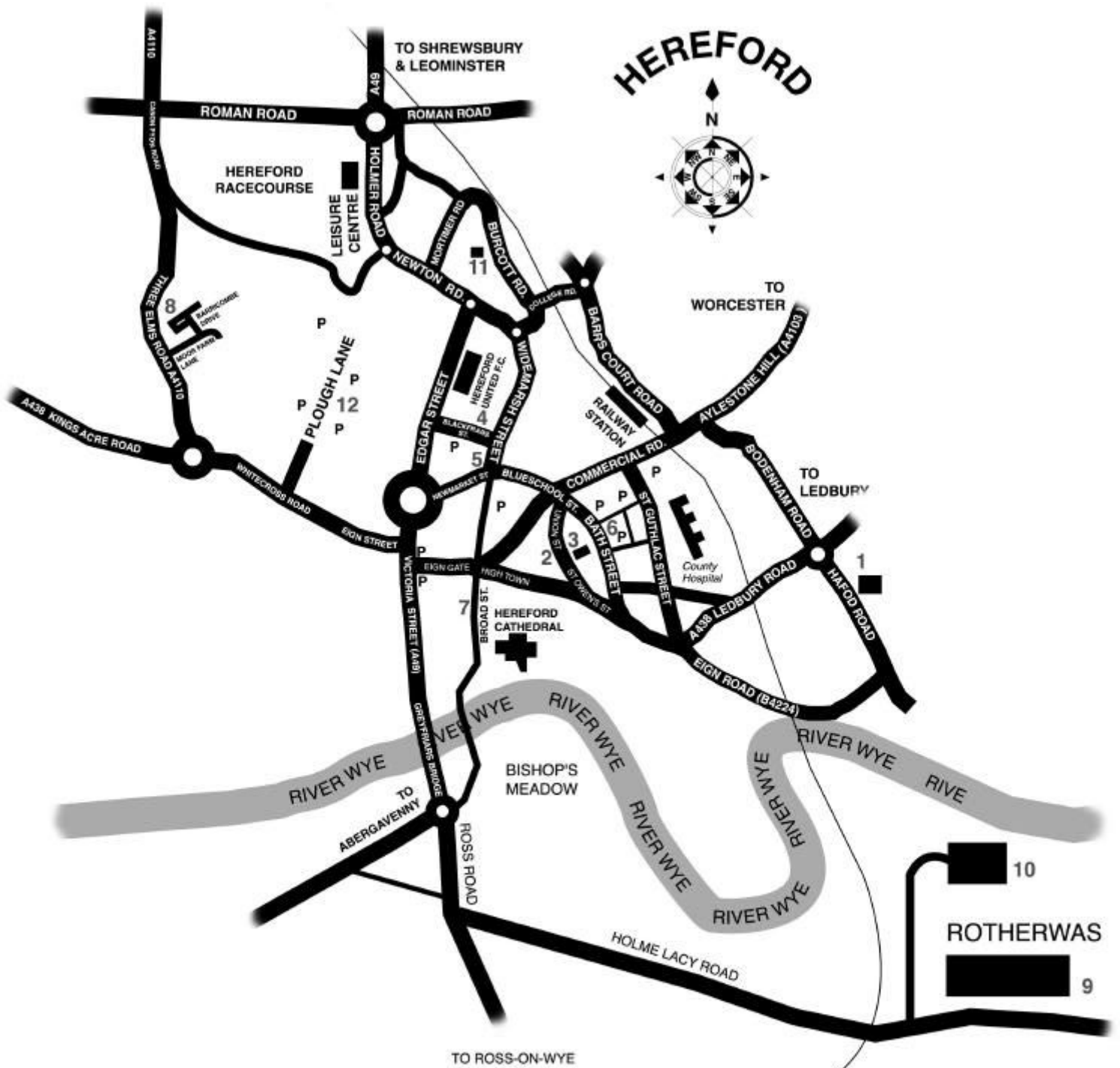
The meeting room is accessible for visitors in wheelchairs via the main entrance by prior arrangement. Please telephone 01432 272395

A map showing the location of the Shirehall can be found opposite.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning Mrs Christine Dyer on 01432 260222 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.



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|---|------------------|----|-----------------------------------|
| 1 | Brockington | 7 | Kemble House |
| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre |
| 4 | Education Centre | 10 | Herefordshire Commercial Services |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE

(no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area on:

GAOL STREET CAR PARK

Section Heads will call the roll at the place of assembly.

MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday, 27th April, 2007 at 10.30 a.m.

Present: Councillor J.W. Edwards (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, P.E. Harling, J.W. Hope MBE, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, J.G. Jarvis, Brig. P. Jones CBE, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, D.C. Taylor, Mrs E.A. Taylor, J.P. Thomas, W.J.S. Thomas, Mrs. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

86. PRAYERS

In the absence of the Dean of Hereford, the Very Reverend Peter Haynes led the Council in prayer. The Council remembered John Arnett who had died recently. Mr. Arnett was a former Councillor with the Herefordshire County Council and the Hereford and Worcester County Council as well as being a long serving member for Bromyard. Prayers were also said for Councillors J.G.S. Guthrie and P.G. Turpin who were too ill to attend the meeting.

87. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R.B.A. Burke, P.J. Dauncey, J.G.S. Guthrie and P.G. Turpin.

88. DECLARATIONS OF INTEREST

The following declarations of interest were made:

The Chairman, Councillor J.W. Edwards, declared a prejudicial interest in those items that related to polytunnels: the Cabinet Report Item 8.1 (iii); the Strategic Monitoring Report, paragraph 17; and the Standards Committee Report, paragraph 10.

Councillor R.J. Phillips declared a personal interest in Item 5.1(i) of the Cabinet Report - Brilley CE Primary School.

Having sought the advice of the Chief Executive, Councillor Mrs. M.D. Lloyd-Hayes declared a prejudicial interest in Item 8.2(i) of the Cabinet Report - Outcome of Settlement Negotiations in Connection with High Court Proceedings Relating to the River Wye.

In response to a query the Chief Executive advised that all Members of Hereford City Council should declare a prejudicial interest in Item 6.1(i) of the Cabinet Report -

Withdrawal of Hereford City Council Support for Grounds Maintenance and its Impact on the Parks Service and withdraw from the Council Chamber in the event of any discussion on the item.

89. MINUTES

RESOLVED: That the minutes of the meeting held on 9th March, 2007 be approved as a correct record and signed by the Chairman.

90. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Youth Council Elections had taken place in April and that a total of 25 youth councillors now represent the views of young people in Herefordshire.

He bade a formal farewell to the Director of Children Services, Mrs. Sue Fiennes and the Director of Environment, Mr. Graham Dunhill both of whom were retiring, and welcomed Ms Sharon Menghini and Mr. Michael Hainge to the posts of Director of Children's Services and Environment respectively.

He went on to thank the Chief Executive, Directors and staff for their hard work over the past four years and the Dean and the Very Reverend Peter Haynes for guiding the Council meetings.

He congratulated Councillor Mrs Barnett on her return, uncontested, as ward councillor for Mortimer.

He bade farewell to those Councillors who had decided not to stand again: Councillors Mark Cunningham, Peter Dauncey, Nigel Davies, Joyce Davis, John Guthrie, Peter Harling, Robert Manning, Charles Mayson, John Newman, Don Rule, Liz Taylor, John Thomas and Phil Turpin. In particular he referred to the exceptional length of public service given by Peter Harling, John Newman, Don Rule and John Thomas.

The Group Leaders also paid tribute to those members who were retiring.

Finally the Chairman thanked all the other members who were standing for re-election and wished them well in their campaigns. He hoped that he would see many of them at the next Council meeting which was to be held in the Shirehall on 25 May, 2007.

91. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the Head of Legal and Democratic Services more than six clear working days before the meeting. A number of questions had been received and were included in the agenda. The questions, together with a summary of the responses, are set out below:

Questions from M and K Bucknell, Hereford

"The Council recently announced the giving away of a valuable public asset - namely the rights to the River Wye in the centre of Hereford. When appraising this decision

- (a) *What monetary valuation was reached for this stretch of the River?*
- (b) *How did the Council reach this valuation?*
- (c) *What additional factors did the Council factor in on the expenditure and loss of income?"*

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) said that the Council had not given away any public assets in connection with the River Wye. There had been competing claims made by parties to High Court litigation in connection with rights over a stretch of the River Wye roughly situated between the Old Wye Bridge and the Victoria Footbridge. Upon taking senior Counsel's opinion, it was felt that the outcome of litigation was uncertain and could have been hugely costly. A compromise was reached and the Council accepted the Church Commissioners' claims in return for the grant of both mooring rights at Corporation Wharf and fishing rights for citizens under the age of 18 free of charge. The Council has agreed to pay one peppercorn per annum in respect of securing these rights.

Questions from M and K Bucknell, Hereford

"When walking through Castle Green on a summer's evening, we are aware that there are two distinct groups of young people. Firstly, the groups of young people who are sitting on the green, smoking, drinking alcohol; some of whom who get noisier throughout the evening. Secondly the group of similar aged teenagers who are learning river safety and kayaking skills at the Castle Green Canoe Training Centre.

What facilities, north of the river do the Council offer to the young people of the city of Hereford?

What plans, if any, do the Council have for the maintenance and development of facilities for the youth and future generations of young people of Hereford, particularly north of the River?

We understand that all Council buildings, including the Canoe Training Centre, are going to be sold by the Council. Why is the Council selling an excellent and unique facility with access to well trained and qualified staff who can work with our young people?

The Council has a duty of care to young people, so why is the Council reluctant to invest in facilities for them? Lack of investment is resulting in bored youngsters, using drugs and alcohol, often resulting in anti-social behaviour. What are the costs to the Council in Hereford City for the removal of graffiti, dealing with anti-social behaviour, police, primary care trust and social worker involvement caused by the actions of these bored youngsters?"

Councillor R.V. Stockton thanked the Bucknells for their kind comments on the value of our canoe centre activities in keeping young people actively engaged, but explained that resources were limited.

He spoke of some of the Council's facilities and voluntary sector facilities supported by the Council, including all the High Schools and their broad programme of after school activities as well as an array of sports fields and facilities from Aylestone Park, to football pitches to Hereford Leisure Centre (Halo).

He went on to say that he thought the question referred to Youth Club / Service facilities in North Hereford. He advised that the Youth Service's main location is at Close House in the Centre of town from which a range of activities are run both in the building and in other venues and locations in North Hereford City area. The Canoe Centre was one such facility very well used by young people from across the County.

Through The Herefordshire Council for Voluntary Youth Services (HCVYS) the Council indirectly supports a number of scouts and guides in the area as well as faith-based youth groups.

He advised that the Council was already involved in the Community Consultations currently underway in the North Hereford (Tupsley) area and would wish to support the process bearing in mind that the building or facility must be multi-use, flexible and open to a range of providers and activities. He stated that revenue funding is the key to sustainability, particularly in resourcing the activities.

He said that there was no plan to sell all council buildings, however, the Asset Management Plan does include a schedule of assets for disposal that includes the training centre at Castle Green. It is anticipated that the training facilities will ultimately be re-provided when the Council has the opportunity to rationalise office accommodation. The training centre at Castle Green is an expensive building to run and maintain due to its character. Parking provision is limited to just two disabled parking spaces and it is not possible to provide access to the upper floors of the building in compliance with disabled discrimination legislation.

He advised that there had been significant investment in Youth Service buildings over the last three years: nearly £300,000 at both Hinton Youth Centre and Ross on Wye Youth Centre and significant refurbishment and equipment renewal at the Canoe and Sailing Centres. He admitted that Hereford City is not well served by suitable facilities for young people and or youth work delivery, however, buildings are not the panacea for youth issues. Skilled trained staff are needed to run suitable programmes for young people as are resources to fund buildings and staff.

He stated that removal of graffiti costs the Council £4,400 every month. He could only answer the final part of the question by taking a very global calculation for the cost of each young person in the youth justice system. The Prince's Trust estimated in their 'Cost of Exclusion report 2007' that in 2004 the total cost of youth crime in the UK was £1 billion.

Questions from Ms D Maber on behalf of the North Tupsley Action Group, Hereford

"As a newly formed Community Association for the Whittern Way and surrounding areas, we have been requested by our members to find out why there has been no investment in North Tupsley.

The dog bin situation is an ongoing problem which no-one at Herefordshire Council seems able to resolve, despite the best efforts of our local councillor. The dog mess situation near to Broadlands Primary School is a health issue. There is a neglected and abandoned play area, which is sited in the wrong place, but no facilities for the young people in the area nor for anybody else for that matter.

In order to provide a community focus, we are in the process of compiling a Business Plan in order to purchase the lease on the White Horse public house in Whittern Way. This pub has been on the market for upwards of two years but is in need of refurbishment. We have been in contact with the owners and they are very interested

in letting us have it. This building would be eminently suitable as it has huge potential and has sufficient capacity to be converted into a community building, right in the very centre of the estate.

We really need Herefordshire Council to partner us in this huge endeavour. Would you be able to help us?"

Councillor P.J. Edwards, Cabinet Member (Environment) advised that a Dog Warden had regularly visited the area referred to in the question and a number of "Dog Fouling" signs have been replaced. On the day of the last visit there was very little evidence of dog fouling, and in particular the area around the school was clean. There are two dog and litter bins in the area, which are being used.

In view of the ongoing complaints one of the Dog Wardens will be available to undertake some regular visits to the area with members of the Community Association (perhaps twice a week for a month or two) to review the problems in the area. The Council would then be in a better position to determine whether or not the problem is best resolved by enforcement or the provision or resiting of bins.

He stated that the Environmental Health and Trading Standards Service currently spends nearly £15,000 a year to empty approximately 140 dog bins, countywide.

The Council will be advertising the fact that it is acceptable to use litter bins for the disposal of dog faeces.

Councillor Stockton, Cabinet Member (Community Services) advised that the Council owns a very small piece of land at Piggot Close which contains a play area. The play area is small and not ideally placed, but is far from neglected. It was resurfaced last year and some minor works took place to comply with ROSPA recommendation. Ideally the play area would be re-sited to land belonging to Herefordshire Housing who appear willing to partner a community group. In the meantime the play area will remain open.

Aylestone Park will provide significant open space in the area as does the land at Tupsley Quarry and Gorsty Lane. There are plans to significantly upgrade these facilities in the next two years. In terms of indoor facilities there is the potential of dual use existing sites such as Aylestone School / Broadlands School and the College facilities. Hereford Sixth Form has well established joint use with both sports hall and a fitness suite. Other opportunities may exist with the Arts Studio and the former Tupsley Youth Centre.

Councillor Stockton was aware that the North Tupsley Action Group had already been in contact with Council officers about the proposal for the White Horse Public House to become a community building. The Council can offer, or signpost to partners who can offer, business planning advice, project development support, advice on social enterprise and advice on planning issues. He said it would be advisable to undertake further work to demonstrate viability and sustainability. The Council has grants available to support this feasibility stage, although this would be subject to successful appraisal and approval, and would be for up to 50% of the costs or £2,000 whichever is the lesser.

92. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Councillors may ask questions of Cabinet Members and Chairmen of Committees so long as a copy of the question is deposited with the Head of Legal and Democratic Services at least 24 hours prior to the meeting. A list of questions, set out in the

order in which they had been received, was circulated at the beginning of the meeting. Councillors may also, at the discretion of the Chairman, ask one additional question on the same topic. The questions and a summary of the answers are set out below.

Questions from Councillor A.C.R. Chappell

"Can the Cabinet Member explain the tendering process recently undertaken by the Council for the stabilising of headstones in Council owned cemeteries? How many stonemasons tendered for the work and was the successful tender the least expensive?"

£140 per headstone has been given as the successful tender. Is the Cabinet Member aware that at least two private quotes have been obtained from one stonemason in Hereford quoting £84 for the safe stabilising of one headstone.

Does he agree that with over 6000 headstones to be stabilised in Council owned cemeteries, some of whose owners will not be traced, that the council tax payer appears to be overcharged by some £56 for this service?

In the light of this will the Cabinet Member review the tendering process and ensure that the council tax payer gets value for money."

Councillor P.J. Edwards, Cabinet Member (Environment) confirmed that, when memorial testing began it had been decided that there would be benefits in securing the services of a monumental mason to undertake repair work at a fixed standard price.

This meant that monumental masons did not have to quote each time they undertook a repair; families, including those who do not live in Herefordshire, were able to secure the services of a mason easily, at a guaranteed price; and the Council would effectively organise the repair. The Council did not receive any payment from this service.

All monumental masons on the Council's registered list were asked to provide a quote on refixing a standard memorial. Four replied and the quotes varied between £120 and £350 - the companies were asked to tender for a standard price to repair a standard lawn memorial. The price of the chosen contractor was not the lowest, it was £20 more expensive than the cheapest quote submitted, but the mason chosen was the one that provided the best specification and thereby reduced the risks of there being any further long-term issues with the safety of re-fixed memorials.

The Memorial Safety Programme started in a part of the cemetery where the headstones were of almost identical construction. This is because, on the initial risk assessment, the headstones in this area consistently showed higher levels of failure than other parts of the cemetery. Because of the circumstances in this part of the cemetery it has been relatively straightforward to commission a mason to provide a fixed standard price

The Council has facilitated a number of repairs through this process and have received compliments for the way the service and the monumental mason handled the matter.

Because we are moving to an area of the cemetery where the memorials are not standard we will not be able to continue with the fixed price arrangement. It is apparent that it may be possible to repair some of these memorials at a lower cost than the £140 fixed charge while others may be considerably more. Bereavement

Services are aware of the issue Councillor Chappell has raised, and are aware that the memorial referred to is not a "standard lawn memorial" and it would be anticipated that the cost of repair in this particular case would be lower than the standard price. As a result of this Bereavement Services have reviewed the position and have now withdrawn the offer to organise the work for a standard price.

Councillor Edwards said that Councillor Chappell's estimate of 6,000 was an extremely high estimate for the number of memorials that will require refixing. The Council's own estimate is that the number requiring refixing will be no more than 4,000. This is because the areas of the cemetery with the highest numbers of failures have been tackled first and it is anticipated a reducing proportion of memorials will require attention, as the programme continues.

Councillor Chappell said that the matter had not been deal with sensitively, and asked for an urgent review to be carried out. He was concerned about the costs, especially for those families who had a number of headstone that needed to be stabilised. Councillor Edwards said that it would be for the new administration to consider whether it should carry out a further review.

Question from Councillor AL Williams

"I would like to know what length of time and process was used by the Health and Safety executive when testing the gravestones at Hereford Cemetery and what does the yellow and green scaffolding ends signify?"

Councillor P.J. Edwards, Cabinet Member (Environment) replied that in 2004, the Health and Safety Executive (HSE) had written to all local authority Chief Executives drawing attention to the need to act in relation to unstable memorials. The HSE have used enforcement powers against local authorities when necessary to require testing programmes, and to require an increase in testing rates and has in some cases the closure of cemeteries. Testing in some councils has been by hand but in Herefordshire the test applied is by using a pressure tester, used only by trained operatives. This is a British Standard and is adopted by the National Association of Memorial Masons, the Institute of Cemetery and Crematorium Management and the Association of Burial Authorities.

Councillor Edwards advised that there was no significance to the different coloured plastic caps used on the temporary supports – they were simply from different batches.

Question from Councillor AL Williams

"Can you please tell me when and why disabled parking ceased after 10.30 in Broad Street opposite Barclays Bank and outside Greggs?"

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) said that, following the permanent pedestrianisation of Widemarsh Street in 2006, the section of Broad Street north of West Street / East Street junction is not legally accessible by vehicles between 10.30am and 4.30pm during the daytime closure of Widemarsh Street. However, a number of vehicles were making an illegal and potentially unsafe manoeuvre by either making a left turn from West Street or reversing up Broad Street to access the area during the closure period.

Traffic Management arrangements in the Broad Street area have been reviewed and changes to the Traffic Regulation Orders in the area were introduced on 30th March, 2007. This included preventing the use of the disabled parking bay between the hours of 10.30am and 4.30pm in Broad Street opposite Barclays Bank and outside

Greggs to tie in with the times of the daytime pedestrianisation of Widemarsh Street. In addition, the disabled parking bay on the east side of Broad Street immediately south of the junction with East Street has been extended to provide some additional disabled parking provision.

The changes to the Traffic Regulation Orders were introduced on an experimental basis that allows for representations to be made over the following six months and considered prior to making the changes permanent. The changes have only recently been introduced and are still in a settling in period. As such, a pragmatic approach is being taken to enforcement. New signs make clear the restrictions that now apply and public notices are in place indicating the details of the experimental order. The Council has already been made aware of concerns regarding this aspect of the changes. The effect of all the changes to the orders in the area is being monitored and all representations will be considered when deciding whether to make the changes permanent in their current form or whether to introduce modifications.

Questions from Councillor Mrs A. Toon

"How many Penalty Notices have been issued in the last 6 months to parents of pupils at secondary school for not attending school?"

What support was given to these parents/children by education welfare?"

Where are these children now?"

Which secondary schools have the highest number of penalty notices issued?"

Why is it that in one case, when the education welfare section gave no support or assistance for over 5 months, then issued a penalty notice and then within a matter of weeks allowed the young person to now go on extended study leave without any home study support or organised work placement?"

Would the Education Dept consider refunding Penalty Notices where there is clear evidence that the parent made every effort for the child to attend and it is shown that the Education Dept and the School failed the child?"

Councillor D.W. Rule, Cabinet Member (Children and Young People).advised that 44 Penalty Notices had been issued since September 2006.

He stated that there is always support offered to pupils and parents before (and indeed after) a Penalty Notice is issued. If a parent does not pay a Penalty Notice the Council has to take the case to Court and Magistrates are very keen to see in what ways the Education Welfare Service has engaged or tried to engage with the family.

He stated that all of the children should be in school. A number of them will be in year 11 but should still be attending until exams or study leave arrives.

He gave the following breakdown of the Penalty Notices issued:

Aylestone High School - 17
Bishop of Hereford's Bluecoat School - 1
John Kyrle High School 6
John Masefield High School – 4
Lady Hawkins High School, Kington – 3

The Minster College – 3
Queen Elizabeth High School – 2
Weobley High School – 1
Wyebridge Sports College – 3
Pupil Referral Units - 4.

He said it would not be appropriate to talk about individual pupils, however, the principle is that the Education Welfare Service worked with the families and schools with regard to extended study leave and the academic support they receive. He reminded Council that these decisions are not made by the Education Welfare Service but by headteachers, and there is little we can do to change a decision made by a headteacher.

He reminded Council that the service works in partnership with families and schools, and aims to resolve issues of non-attendance at an earlier stage. It is only when all previous attempts have broken down that prosecution is resorted to as the final option. It would, therefore, not be appropriate to consider refunding the fine.

In response to a query about a particular case, the Cabinet Member asked Councillor Mrs. Toon to give him the details outside the meeting and he would investigate the matter.

Questions from Councillor W.L.S. Bowen

"Considering that this Council is able to set its own requirements for insulation and energy efficiency in all new buildings - why is it that much higher levels of insulation and energy efficiency in all new build are not being demanded?"

Are you aware that other Councils already do this?

Are you aware that we are 25 years and more behind most other European Union countries, such as Sweden, Belgium and Eire?"

Councillor P.J. Edwards, Cabinet Member (Environment) said that submissions for Building Regulations must achieve the levels of insulation and energy efficiency as set out in the regulations and detailed in the relevant approved document. As with all building regulations the (minimum) standard set may be exceeded if the applicant wishes, but the Council has no authority to insist on higher standards.

He said that the Building Regulations requirements for levels of insulation and energy efficiency had become far more stringent in recent years and in particular with the introduction of higher standards in April 2006, which also recognised the importance of measuring carbon dioxide emissions. The Government is committed to a further review of this area of the Building Regulations by 2010.

In response to a request from Councillor Bowen that the Council sets its own standards, Councillor Edwards advised that the Council worked with the UK standards and cited two examples of recent developments where the standards had been exceeded and carbon emissions reduced, namely, Whitecross High School and the block of 24 apartments at Barton Yard, Hereford.

Questions from Councillor W.L.S. Bowen

"Why is that so little is being done by this Council to encourage local biomass power

generation?

Is this Council aware that most of Herefordshire biomass production is to be exported to Eire as they have made a rapid and determined commitment to this sustainable source of energy?

Is this Council aware that up to 5,000 acres of biomass will be grown and exported, and that all of this could, potentially, be used in Herefordshire?"

Councillor P.J. Edwards advised that a plant at Lyonshall now has its Waste Management Licence and is up and running, powering poultry units with waste cooking oil.

Pontrilas Renewable Energy have planning permission for 2 x 5MW burners (permission granted Jan 07) - but are affected by changes in grants available.

He said that the local planning authority cannot promote or encourage any particular development, it can only make recommendations based on adopted policy on applications presented to it, and is therefore entirely dependent on developers coming forward with suitable and acceptable proposals.

However, biomass energy generation is supported in principle (subject to acceptable environmental protection and mitigation, along with Environment Agency approval), and permissions have been granted for energy generation from waste wood/sawdust/forestry waste, and also from waste cooking oil.

Question from Councillor Mrs. M.D. Lloyd-Hayes

"In order to improve the role of the Councillor, is it proposed in the next term to promote and continue with training of the Members' Development Working Group?"

Councillor Mrs. J.P. French, Cabinet Member (Corporate and Customer Services and Human Resources) thanked Councillor Mrs. Lloyd-Hayes for her involvement with the Members' Development Working Group and said that some preparatory work was being undertaken to support the continuance of the Working Group, but that that decision could only be taken by the new administration.

Councillor Mrs. Lloyd-Hayes asked why reports of the meetings were not submitted to Cabinet or Council.

Question from Councillor Mrs. M.D. Lloyd-Hayes

"As suitable premises have recently become available on the boundary of Tupsley and Aylestone Wards, will this Council seriously consider investing in young people and the community by purchasing or leasing this local property thus providing a much needed community facility serving several thousand people?"

Councillor R.V. Stockton, Cabinet Member (Community Services) re-iterated the reply he had given earlier in the meeting and went on to say that the Council takes a corporate approach to asset and capital planning and resources are therefore allocated in line with corporate priorities.

Councillor Mrs. Lloyd-Hayes said the Council should support these community-led projects and transfer £380,000 from the sale of the youth centre back into youth services.

93. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

94. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 22nd March and 12th April, 2007.

In relation to Item 3.2 - Connexions Transition Plan and Commissioning Arrangements - In response to a query the Cabinet Member (Children and Young People) confirmed that a location for the meetings had not yet been decided.

In relation to Item 4.1(i) - Gender Equality Scheme - In response to a request that female councillors should not have their title (Mrs. Ms or Miss) included on the nameplates, the Leader agreed that this would be looked at again following the election.

In relation to Item 4.1(iv) - Election Costs - In response to a query the Chief Executive advised that, in his role of Returning Officer, he would be unable to answer specific questions about the elections at the Council meeting, other than questions related to the item in the report, as it could be seen to be giving undue advantage to those Councillors who were seeking re-election. He did, however, confirm that, as Returning Officer, he would be held personally responsible for any costs associated with a successful legal challenge to the election. He said he would be willing to answer questions from individual candidates, both those who were serving Councillors or not, outside the meeting. A number of Councillors commented on the late despatch of postal votes and errors on the ballot papers.

In response to a question on the allocation of election costs he advised that the Council had consulted with the Herefordshire Association of Local Councils on the costs, and it was a request for some late revisions to the proposals that meant it had not been possible to inform parish councils sooner. He went on to say that the Council have been advising parish councils for some time, to make provision in their annual precept for elections which were normally held every four years, but many of them still did not do this.

In relation to Item 8.2(i) - Outcome of Settlement Negotiations in Connection with High Court Proceedings Relating to the River Wye - In response to a query, Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) said that the Council had agreed to pay £30,000 towards the legal costs of the Church Commissions, following advice that the Council would be unlikely to win should the case proceed. He confirmed that the agreement would have no effect on the accessibility of Corporation Wharf. It would be up to the new administration to decide whether it wished to improve the access. He confirmed that the Angling Association controlled the fishing rights for those over the age of 18.

The Leader reminded Council that, with the exception of the advice of Counsel, all the reports and discussions on this matter were open to the public.

Councillor Mrs. M.D. Lloyd-Hayes, having previously declared a prejudicial interest in this item, left the chamber for the duration of the discussion.

In relation to Item 10.2(iii) - Local Government Association Briefings on the Lyons Report and Budget - In response to a comment, the Leader agreed that the report was a disappointment and did not do local government justice.

In a closing speech he thanked the Cabinet Members for their support over the past

four years, and also thanked Councillors Anne Gray and Jenny Hyde for their support to the Cabinet Member (Children and Young People). He also mentioned Councillor Joyce Davis. He went on to thank the Chief Executive, Directors, Heads of Service and all staff with a special mention to the secretarial staff and his own secretary, Mrs. Jean Wood who would be retiring shortly.

The Chairman also thanked Mrs. Wood.

RESOLVED: That the reports from the meetings of Cabinet held on 22nd March and 12th April, 2007 be received.

95. STANDARDS COMMITTEE

Mr. Robert Rogers presented the report of the meetings of the Standards Committee held on 12th February, 9th March and 13th April, 2007. In doing so, he drew attention to the Committee's Annual Report which had been very well received both locally and at a national level. He felt Herefordshire had demonstrated a very high level of ethical standards.

He thanked Miss Heather Donaldson, Democratic Services Officer and her colleagues for arranging to publish the papers for the Committee on the Council's website.

RESOLVED: That the report of the meetings of the Standards Committee held on 12th February, 9th March and 13th April, 2007 be received.

96. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 30th March, 2007.

Councillor W.J.S. Thomas, Chairman of the Health Scrutiny Committee paid tribute to the officers involved in the work of his scrutiny committee, in particular: Sara Siliko, Jenny Goldsbury and Tim Brown. He warned that the Council would need to respond to the challenge of new legislation and the resultant strain on the resources of the Scrutiny officers.

Councillor James thanked the members of the Strategic Monitoring Committee and those officers who had supported the scrutiny function. In particular he mentioned the contribution of Tim Brown, Committee Manager (Scrutiny) for his stoicism, diplomacy, extraordinary knowledge and support.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 30th March, 2007 be received.

97. PLANNING COMMITTEE

Councillor T.W. Hunt presented the reports of the meetings of the Planning Committee held on 2nd March and 20th April, 2007.

He thanked the staff involved in the planning committee process for their hard work and professionalism .

RESOLVED: That the reports of the meetings of the Planning Committee held on 2nd March and 20th April, 2007 be received.

98. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meetings of the Regulatory Committee held on 20th March and 10th April, 2007.

One member welcomed the introduction of pedicabs to Hereford city centre and asked if waiting taxi drivers could be persuaded to switch off their engines while waiting for fares.

Councillor Matthews thanked the members of the committee and the staff who supported them for their work over the past few years.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 20th March and 10th April, 2007 be received.

99. AUDIT AND CORPORATE GOVERNANCE COMMITTEE

Councillor A.C.R. Chappell presented the report of the meeting of the Audit and Corporate Governance Committee held on 13th April, 2007.

He thanked Mrs. Sonia Rees, the Director of Resources, Mr. Tony Ford, Audit Services Manager and the other officers involved with the committee.

RESOLVED: That the report of the meeting of the Audit and Corporate Governance Committee held on 13th April, 2007 be received.

The meeting ended at 12.02 p.m.

CHAIRMAN

PERSONS ELECTED AS COUNCILLORS

Report By: Returning Officer

Wards Affected

County-wide

Purpose

1. (a) To note the results of the election held on 3rd May, 2007 as shown at Appendix 1; and
- (b) To note the position on the number of persons so elected who have made their declarations of acceptance of office

Financial Implications

2. Any costs arising will be met from approved budgets.

Considerations

3. The Chief Executive will report on the numbers who have made their declarations of acceptance of office at the meeting.

RECOMMENDATION

THAT the information be noted

BACKGROUND PAPERS

None identified

PERSONS ELECTED AS COUNCILLORS

Ward	Councillor
Aylestone	NL Vaughan
Aylestone	DB Wilcox
Backbury	JE Pemberton
Belmont	H Davies
Belmont	PJ Edwards
Belmont	GA Powell
Bircher	WLS Bowen
Bringsty	TW Hunt
Bromyard	B Hunt
Bromyard	A Seldon
Burghill Holmer and Lyde	SJ Robertson
Castle	JW Hope MBE
Central	MAF Hubbard
Credenhill	RI Matthews
Frome	PM Morgan
Golden Cross with Weobley	JHR Goodwin
Golden Valley North	PD Price
Golden Valley South	JB Williams
Hagley	DW Greenow
Hampton Court	KG Grumbley
Hollington	GFM Dawe
Hope End	R Mills
Hope End	RV Stockton
Kerne Bridge	JG Jarvis
Kington Town	TM James
Ledbury	ME Cooper
Ledbury	JK Swinburne
Ledbury	PJ Watts
Leominster North	JP French
Leominster North	P Jones CBE
Leominster South	RBA Burke
Leominster South	RC Hunt
Llangarron	JA Hyde
Mortimer	LO Barnett
Old Gore	TMR McLean
Pembridge and Lyonshall with Titley	RJ Phillips
Penyard	H Bramer
Pontrilas	RH Smith
Ross on Wye East	PGH Cutter
Ross on Wye East	AE Gray
Ross on Wye West	CM Bartrum
Ross-on-Wye West	G Lucas
St Martins and Hinton	WU Attfield
St Martins and Hinton	ACR Chappell
St Martins and Hinton	AT Oliver
St Nicholas	DJ Benjamin
St Nicholas	JD Woodward
Stoney Street	DC Taylor
Sutton Walls	KS Guthrie
Three Elms	PA Andrews
Three Elms	SPA Daniels
Three Elms	AM Toon
Tupsley	MD Lloyd-Hayes
Tupsley	AP Taylor
Tupsley	WJ Walling
Upton	J Stone
Valletts	MJ Fishley
Wormsley Ridge	AJM Blackshaw

POLITICAL COMPOSITION OF THE COUNCIL AND FORMATION OF POLITICAL GROUPS

Report By: Chief Executive

Wards Affected

County-wide

Purpose

1. To set out the notifications received under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 giving the composition of political groups. The notifications received at the date of the despatch of the agenda are set out at Appendix 1.
2. In the case of some of the groups, we are still awaiting formal confirmation and where this confirmation is not available we are acting on the advice received from the political group leaders. Formal notification will have to be received before appointments to committees can be confirmed.
3. Notifications can be given up to the time of the commencement of the meeting and the Chief Executive will make a further oral report as necessary.

RECOMMENDATION

THAT the information be noted.

BACKGROUND PAPERS

- Notifications received under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990

APPENDIX 1

POLITICAL COMPOSITION OF THE COUNCIL AND FORMATION OF POLITICAL GROUPS

<p>Conservatives (32)</p> <p>LO Barnett AJM Blackshaw H Bramer RBA Burke ME Cooper PGH Cutter MJ Fishley JP French JHR Goodwin DW Greenow KG Grumbley KS Guthrie JW Hope MBE RC Hunt TW Hunt JA Hyde JG Jarvis P Jones CBE G Lucas TMR McLean R Mills PM Morgan JE Pemberton RJ Phillips PD Price RH Smith RV Stockton J Stone JK Swinburne NL Vaughan PJ Watts DB Wilcox</p>	<p>Independents (14)</p> <p>DJ Benjamin WLS Bowen GFM Dawe PJ Edwards AE Gray MAF Hubbard B Hunt RI Matthews GA Powell SJ Robertson A Seldon DC Taylor JB Williams JD Woodward</p>
<p>Liberal Democrats (10)</p> <p>PA Andrews CM Bartrum SPA Daniels H Davies TM James MD Lloyd-Hayes AT Oliver AP Taylor AM Toon WJ Walling</p>	<p>Labour (2)</p> <p>WU Attfield ACR Chappell</p>

APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES

Report By: Chief Executive

Wards Affected

County-wide

Purpose

1. To exercise those powers reserved to Council at its Annual Meeting:
 - (a) To make appointments to the positions of Chairmen and Vice-Chairmanships of committees and other offices.
 - (b) To establish the allocation of seats to political groups based on proportionality as defined by the Local Government and Housing Act 1989 giving effect also to Section 15(5) b of the Act which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
 - (c) To agree arrangements for making the necessary adjustments to proportionality based on appointments to individual committees in order that proportionality can be applied across the Council as a whole.
 - (d) To make arrangements for such appointments to committees and other bodies as may be necessary.

Financial Implications

2. There is a reduction of one Cabinet Member post and the appointments proposed can, therefore, be contained within the existing approved budget.

Appointment of Chairmen of Committees and other bodies

3. Appointment of the Leader of the Council will already have been dealt with under item 9 and the Leader will appoint the remaining Cabinet portfolio holders. Subject to the Council's decision at item 9, the Leader of the Conservative Group will table his proposals. The first purpose of this item is, therefore, to make appointments to the other offices. Details of the proposed appointments will be circulated at the Council meeting. Standing Order 4.3.6 allows for those Committees which do not have a Chairman elected at the

Further information on the subject of this report is available from
Christine Dyer, Democratic Services Manager on (01432) 260222

annual meeting of Council to elect their own Chairmen at the first meeting following the annual meeting. This will apply to the Compensation (Enhanced Payments) Panel and also to the Social Care Appeals Panel, Appointments and Contracts Review Panel and the Employee Appeals Panel whose memberships vary and are drawn from a wider list of Councillors, and to the Standards Committee which includes non-elected members.

4. The Standards Committee of the Council must comprise at least two Councillors together with an independent member and a representative of the Parish Councils. The independent member Robert Rogers was appointed in January 2002 and has agreed to continue to serve this Council. It has been the practice for the Chairman and Vice-Chairman of the Council to serve on this Committee.

Allocation of Seats to Political Groups and Appointments to Committees

5. The Local Government (Committees and Political Group) Regulations 1990 require the allocation of committee seats to political groups to be in proportion to the size of those groups on the Council and that the Council reviews that allocation each year at the Annual Meeting. The requirement is for representation to be proportional on each committee and across the relevant committees taken as a whole subject to Section 15 (5) b of the Local Government and Housing Act, 1989, which provides that where the majority of seats on an authority are held by one political group that group shall have a majority on all bodies to which appointments are made.
6. It is necessary to review the allocation of seats to reflect the changes to political party membership following the 2007 elections as notified to the Chief Executive prior to the meeting.
7. Group Leaders have been provided with a chart showing the allocation of seats calculated on a strictly proportionate basis. This needs to be adjusted to reflect paragraph 5 above.
8. In preparing the charts regard has been taken of the declared political groups.
 - The political balance is currently: Conservatives - 32, Independents - 14, Liberal Democrats - 10, Labour - 2.
 - Political Group Leaders have agreed to maintain the principle that in so far as is possible, all Members (apart from Cabinet Members, the Chairman and Vice-Chairman of the Council and the Chairman of Strategic Monitoring Committee) will have an opportunity to serve on two committees as well as having a seat on the relevant area planning sub-committee.
9. Under executive arrangements the strict calculation of proportionality required by the Local Government and Housing Act 1989 is across all the traditional Committees and the Scrutiny Committees. The strict calculation does not include the seats on Cabinet or the Standards Committee. The chart has been drawn up to reflect paragraphs 5, 6 and 8.
10. If Council wishes to allocate seats on a different basis than political proportion, such alternative arrangements can only be made where they are

approved by Council without any Member voting against. This is known as a nem con vote by the Council. Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.

11. The Strategic Monitoring Committee currently comprises the Chairmen and Vice-Chairmen of the Scrutiny Committees and such other councillors as the Council may appoint to it. The operation of the Strategic Monitoring Committee on this basis has depended on Council agreeing to suspend the rules of proportionality in relation to Strategic Monitoring Committee compensating for that suspension of proportionality when calculating proportionality across the Council as a whole.
12. The importance of the suspension of proportionality is that unless proportionality is so suspended then the right to nominate to seats on Strategic Monitoring Committee lies with the respective political Group Leaders and appointments cannot be made by Council.
13. If alternative arrangements are not approved, the Chief Executive, in consultation with the Group Leaders, will have to exercise his delegated powers to make any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments in accordance with the nominations of the political group leaders. To assist this process all members will be invited to express their preferences for the committees and panels on which they would be interested to serve.
14. It is helpful for the Chief Executive, in consultation with the group leaders, to have delegated authority to adjust the size of committees and/or bodies as this can be important in ironing out inequalities in the application of the rules on proportionality.

Appointment to Bodies by Reference to Area

15. Membership of the Planning Area Sub-Committees is determined in accordance with Ward membership. There is an exception in the Local Government (Committees and Political Groups) Regulations 1990 which enables appointments to be made to groups composed of all the Councillors for an area without the rules on proportionality being applied.

Community Forums

16. The Constitution provides for the establishing of area based Community Forums. The nature of the Forums means that membership is not defined. The Council retains the ability to appoint Chairmen of the Community Forums and the Constitution delegates that role to Group Leaders. As part of its role in relation to community policing, the West Mercia Police has sought to establish Partners and Communities Together (PACTs) and to avoid duplication and confusion in the eyes of the public, the previous political Group Leaders agreed to run a pilot to see whether it was possible to encompass the role of the Community Forums with that of the PACTs. It has been agreed to run a further round of PACTs as part of the pilot before undertaking a review and reporting back to political Group Leaders.

Appointment to Outside Bodies

17. Standing Order 12.7.3.4 gives authority to the Head of Legal and Democratic Services, in consultation with the relevant Cabinet Member and Group Leaders, to make appointments to outside bodies. These comprise a wide range of national, regional and local organisations. It is recommended that the Council make appointments at this meeting to the Adoption Panel, Herefordshire Housing, Herefordshire Community Leisure Trust (HALO), the West Mercia Police Authority, and Hereford and Worcester Fire and Rescue Authority.

Members' Allowances Scheme

18. A Members' Allowances Scheme to take effect from May 2007, was previously agreed by Council in February 2007, in line with advice from the Independent Remuneration Panel.

RECOMMENDATIONS

- THAT (a) the arrangements for proportionality and the notice given in paragraph 10 of the need to partially suspend the rules of proportionality be noted. Council will be invited to move a resolution to that effect which, as advised, will have to be nem con if it is to be effective;**
- (b) Councillors be appointed to the offices contained in the papers which will be tabled for a term of office which will expire at the next Annual Meeting of Council;**
- (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders;**
- and**
- (d) the arrangements for appointments to outside bodies be noted and appointments made to the Adoption Panel (1 Member), Herefordshire Housing (4 Members), Herefordshire Community Leisure Trust (2 Members), the Hereford and Worcester Fire and Rescue Authority (6 Members), the West Mercia Police Authority (2 Members) and the Joint Committee (1 Member).**

DELEGATION OF LICENSING AUTHORITY FUNCTIONS IN ACCORDANCE WITH SECTION 154 – GAMBLING ACT 2005.

**Report By: Head of Environmental Health and Trading
Standards**

Wards Affected

County-wide

Purpose

1. Council is asked to consider whether it wishes to delegate its function under Section 212 of the Gambling Act 2005.

Law

2. Section 2 – Gambling Act 2005 states that the ‘ a district council is a Licensing Authority’.
3. Section 212 allows the district council to set its own fees in respect of the Gambling Act. However any fee set must not exceed the maximum fee set by the government.
4. Section 154 automatically delegates to the Licensing Committee some of the functions under Part 8 of the Act, with the exception of Section 166 (Resolution Not to Issue a Casino Licence), Section 212 (Setting of fees) and Section 349 (Gambling Policy).
5. Whilst the Act does not allow the functions under Section 166 and Section 349 to be delegated, it does allow delegation in respect of Section 212.

Change in Legislation

6. On 24th April, 2007 the Department of Culture Media and Sport (DCMS) announced that for English councils the delegation for delegating functions sits with the Council following an amendment to ‘The Local Authorities (Functions and Responsibilities) (England) Regulations 2000’

History

7. The ‘Delegation of Function’ was presented to the Council's Regulatory Committee on 20th March, 2007 when it was approved, prior to the change in legislation.

Options

8. There are three options available to the Council:

Further information on the subject of this report is available from
Suzanne Laughland, Licensing Manager on (01432) 261675

- a) To delegate the function to the Regulatory Committee
- b) To refuse to delegate the function thereby requiring all changes in fees to be dealt with by Council.
- c) To reach some other decision.

Recommendation

That the function in respect of the setting of fees be delegated to the Regulatory Committee, and the Constitution be amended accordingly.

**‘STATEMENT OF PRINCIPLES’ IN ACCORDANCE
WITH SECTION 349 – GAMBLING ACT 2005.****Report By: Head of Environmental Health and Trading
Standards****Wards Affected**

County-wide

Purpose

1. Council is asked to consider the attached Statement of Principles under the Gambling Act 2005.

Law

2. Section 349 – Gambling Act 2005 requires that a Licensing Authority shall prepare a Statement of Principles that they propose to apply in exercising their functions under the Act. The Statement of Principles has to be reviewed at least every three years.
3. Section 154 automatically delegates to the Licensing Committee some of the functions under Part 8 of the Act, with the certain exceptions, one of these being the Statement of Principles required to be issued under the act.

History

4. The Statement of Principles (Appendix 1) was presented to the Council's Regulatory Committee on 28th November, 2006 when it was approved.

Options

5. There are three options available to the Council:
 - a) To approve the Statement of Principles as presented.
 - b) To refuse to approve the Statement of Principles thereby requiring further consultation with both internal and external bodies, prior to a further Statement of Principles being presented to Council.
 - c) To reach some other decision.

Recommendation**That the Statement of Principles be approved.**



Statement of Principles

Gambling Act 2005

CONTENTS

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- (a) General
- (b) Functions of Gambling Commission
- (c) Function of Licensing Authorities
- (d) Key terms and definitions

Part II – Herefordshire Council

- (a) Background
- (b) Exchange of information
- (c) Enforcement

Part III – Licensing Objectives

- (a) Background
- (b) Crime and Disorder
- (c) Protection of Children and Vulnerable People
- (d) Ensuring gambling is conducted in a fair and open way objective
- (e) Conditions
- (f) Links to other policies

Part I

INTRODUCTION

(A) General

The Gambling Act 2005 (“the Act”) requires licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. The Statement of Principles must be published at least every three years and should be reviewed from “time to time” and any amended parts will be the subject of re-consultation. The Statement of Principles will then be republished.

This Statement of Principles has been prepared in accordance with the provisions of the Gambling Act 2005 and the guidance issued to licensing authorities by the Gambling Commission under Section 25 of the Act. Its propose is to set out the principles that the licensing authority proposes to apply in exercising its functions under the Act. Accordingly, it gives weight to the views of the consultees listed in the main body of the Statement. Herefordshire Council as the licensing authority must carry out its functions with a view to promoting the gambling objectives and as such, these objectives provide a framework for the Statement of Principles. Each application will be considered on its own individual merits. The licensing objectives are:

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

Herefordshire Council is aware, in accordance with Section 153 of the Act, that in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling insofar as it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Authority’s Statement of Principles

(B) Functions of the Gambling Commission

The Gambling Commission issues operator and personal licences to gambling operators and individuals who provide facilities for gambling. It also has responsibilities to regulate gaming machine manufacturers/supplies and on line gaming operators. In undertaking its licensing responsibilities, the Gambling Commission is primarily concerned with the following areas in relation to gambling:

- Financial robustness (ensuring there are procedures concentrating on the protection of customer funds, cash handling and avoidance of money laundering).

- Protection of children and vulnerable persons – ensuring policy and procedures are in place concentrating on social responsibility, age and credit card verification, repetitive play and self exclusion.
- Fair and open play – ensuring gambling procedures comply with relevant legislation around fair gaming, games rules, voiding, late bets and maximum payouts
- Marketing – ensuring there is compliance with advertising codes of practices and rules around the provision of alcohol and gaming.
- Effective dispute resolution – ensuring operators keep records of complaints, disputes and have a dispute handling mechanism.
- Employers of gambling premises – covering issues around training, association between employees and customers, tipping and gambling by employees.
- The Gambling Commission shares enforcement responsibilities with the licensing authorities. It also issues guidance and codes of practice to which licensing authorities and operators must have regard.

(C) Licensing Authorities

Herefordshire Council is the licensing authority, its key functions include:

- Preparing a Statement of Principles for Gambling and reviewing it every three years.
- Deciding whether or not to permit new casino premises in their area.
- Monitoring and inspection of premises to ensure the conditions of the gambling premises licence are complied with.
- Ensuring applications are adequately consulted upon with Interested Parties and Responsible Authorities.
- Holding licensing committee hearings for applications that receive representations.
- Licensing of premises for gambling activities.
- Considering notices for the temporary use of premises for gambling and occasional use notices for betting at tracks.
- Granting various permits for low level gaming.
- Registering small society's lotteries.

(D) Key Terms And Definitions

“Licensing objectives”

- Preventing gambling from being 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.

“Licensing Authorities”

A generic term given to the bodies that administer the licensing functions with a regard to a particular area. Herefordshire Council is the licensing authority for the County of Herefordshire. Unless explicitly stated, the term will relate to the licensing authority under the Gambling Act.

“Licensing Committee”

The Committee established under Section 6 of the Licensing Act 2003 in their capacity to determine premises licences under the Gambling Act 2005.

“Interested Party”

A person is an Interest Party in relation to an application for, or in respect of a premises licence, if in the opinion of the Licensing Authority, the person:

- (a) lives sufficiently close to the premises likely to be affected by the authorised activity;
- (b) has business interests that might be affected by the authorised activity; or
- (c) represents persons who satisfy (a) or (b).

“Guidance”

The guidance to the Licensing Authorities issued by the Gambling Commission.

“Statement of Principles”

The Statement of Principles required to be prepared under Section 349 of the Act (ie this Statement of Principles).

“Premises”

“Premises” means any place and includes a vehicle, vessel or moveable structure

“Responsible Authority”

“Responsible Authority” means for the purpose of the Gambling Act 2005 the following are Responsible Authorities in relation to premises

- (a) Herefordshire Council as Licensing Authority
- (b) Gambling Commission
- (c) Police
- (d) Hereford & Worcester Fire & Rescue Authority
- (e) Herefordshire Council (Planning Services Section)
- (f) Herefordshire Council (Environmental Health Section)
- (g) H M Revenues and Custom
- (h) Vulnerable Young Persons Group,
Connexions Hereford
6 St Peters Street
Hereford
HR1 2LE

Part II

HEREFORDSHIRE COUNCIL

(A) Background

Herefordshire Council is situated in an area which is co-terminus with the historic County of Herefordshire. Herefordshire Council is a unitary authority. The Council has an area of 217973 hectares with a population of 178,800 making it the second largest populated non-metropolitan unitary authority in England with the least population density of 0.82 persons per hectare (2004).

The county is mainly rural with an administrative headquarters in the Cathedral City of Hereford. There are five other principal market towns, being Leominster, Ross on Wye, Ledbury, Bromyard and Kington.

Herefordshire Council has consulted widely upon this Statement of Principles before finalisation and publishing. A list of those persons consulted is provided below. It should be noted that in addition, unsolicited comments were received from other persons, but these have not been listed.

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

- (a) Chief Officer of Police for the area.
- (b) One or more persons who appear to the Authority represent interests of persons carrying on gambling businesses in the Authority's area.
- (c) One or more persons who appear to the Authority to represent interests who are likely to be affected by the exercise of the Authority's functions and the Gambling Act 2005.

The list of parties this Authority consulted are:

- Police
- Social Services
- Herefordshire schools and collages
- Herefordshire Ward and Parish Councillors
- Gambling establishments in Herefordshire
- Local residents by public notice in Hereford Times
- Persons holding a licensing Act 2003 licence
- Environmental health
- Trading standards
- PCT
- Hereford and Worcester Fire Authority
- Tot Bookmakers Ltd
- Specialist gambling solicitors
- Race Course Association Ltd

The consultation took place between August 2006 and November 2006, following the revised Code of Practice and the Cabinet Office Guidance and consultations by the public sector.

The policy was approved at a meeting of the full Council on 28 November 2006 and was published via the Council's website.

Copies have been placed in public libraries as well as being available at the Council's administrative headquarters at Brockington, 35 Hafod Road, Hereford, HR1 1SH.

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

Herefordshire Council declares that it has had regard to the licensing objectives to the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted in the making of this policy statement.

(B) Exchange of Information

Licensing Authorities are required to include 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 respect of the exchange of information between it and persons listed in Schedule 6 of the Act.

The principle that Herefordshire Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 and 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 to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided by the Gambling Act 2005.

Should it be that any protocols are established with regard to information exchange with other bodies, then they will be made available.

(C) Enforcement

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

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

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

In accordance with the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. LACORS is working with the Gambling Commission to produce a risk model for premises licences and this authority will consider that model once it is made available.

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

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section unit 10 Blackfriars Street, Hereford, HR4 9HS, 01432260105 or by e-mailing the service on licensing@herefordshire.gov.uk. Our risk methodology will also be available upon request.

Herefordshire Council resolved that they did not wish to consider any applications for a Casino Premises licence, this decision will be reviewed in three years along with this statement of principals.

PART III

LICENSING OBJECTIVES

PREMISES LICENCES

(A) Background

The first part of this section discusses the licensing objectives and some of the matters that the Herefordshire Licensing Authority may consider when determining applications. The second part discusses conditions and the Herefordshire Licensing Authority's approach to attaching conditions. This section should be read in conjunction with guidance issued by the Herefordshire Licensing Authority on making applications for licences.

When considering the matters in this section, the Herefordshire Licensing Authority will have regard to any guidance or codes of conduct issued by the Secretary of State and/or the Gambling Commission which may relate to a specific premises or category of premises.

Details of these requirements or matters relating to specific premises or categories of premises will be provided in applications procedures/information documents available on the Herefordshire Website www.herefordshire.gov.uk/licensing

In the interests of good practice, the Herefordshire Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. Accordingly, the matters outlined in this section provide a non-exhaustive indication of what the Herefordshire Licensing Authority will be particularly concerned with in order to promote the licensing objectives.

The Herefordshire Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to promote the licensing objectives, will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

Where the applicant can show how they might overcome the licensing objective concerns, this will be taken into account.

(B) Crime and Disorder Objective

The Gambling Commission will play a lead role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Gambling Commission have powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application.

Where a representation is made under the crime and disorder objective, the Herefordshire Licensing Authority will consider whether conditions are

required to ensure that the objective is promoted. In determining appropriate conditions, the Herefordshire Licensing Authority may consider the following:

- The design, layout or the look and feel of the premises – paying particular regard to steps taken to ‘design out crime’.
- Steps taken to address the reoccurrence of any historical crime and disorder issues.
- Any relevant council strategies that relate (or have aspects relating) to crime and disorder.
- Training given to staff around crime prevention measures appropriate to the premises.
- The physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed.
- Where premises are subject to age restrictions what procedures or measure are in place to conduct age verification checks, supervised entrances/age restricted machines, whether there is physical separation of areas etc.
- Whether the premises has door supervisors or security; and/or
- The likelihood of any violence, public disorder or policing problem if the licence is granted.

The above list is not exhaustive and merely indicative of types of issues around crime and disorder the Herefordshire Licensing Authority may consider.

The Herefordshire Licensing Authority is aware of the distinction between disorder and nuisance. In delineating the two, it will consider factors such as whether police assistance was required and how threatening the behaviour was to those who witnessed it.

The Guidance provides that Licensing Authorities may not consider issues in relation to nuisance or public safety when determining applications for premises licences and that these matters must be addressed through other legislation. Where a nuisance or public safety issue is raised, the Herefordshire Licensing Authority will ensure that the concern is referred to the relevant statutory authority to ensure that the matter is addressed under the appropriate legislation/enforcement regime.

(C) Protection of Children and Vulnerable People Objective

This licensing objective will be explained in two sections - Children and Vulnerable people.

Children

The Herefordshire Licensing Authority notes the Gambling Commission’s Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

We will consider, as suggested in the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. For

example, appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Herefordshire Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- The premises is appropriately signed, indicating that access to that area is restricted to persons under the age of 18
- 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 the staff or the licence holder.

These considerations will apply to premises including buildings where multiple premises licences are applicable. **Note:** Separate requirements apply to Alcohol Licensed Premises with category C gaming machines permissions; refer to Herefordshire's Statement of Principles on Permits, available on the Herefordshire Website www.herefordshire.gov.uk/licensing.

In determining applications in relation to the above objective, the Herefordshire Licensing Authority may consider the proximity of the gambling premises to schools and / or areas where there may be a high concentration of children and/or families.

Vulnerable Persons

The Herefordshire Licensing Authority does not seek to stop particular groups of adults from gambling in the same way that it seeks to stop children, but it will assume for regulatory purposes, that 'vulnerable persons' include:

- people who gamble more than they want to
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

The Herefordshire Licensing Authority will pay particular attention to licence applications for premises near:

- schools
- where gamblers anonymous groups (or similar) meet.

(D) Ensuring Gambling is Conducted in a Fair and Open Way Objective

The Guidance states 'Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

In the case of a race track conditions might be imposed on a premises licence requiring the track operator to ensure that the rules are prominently displayed in or near to betting areas or that other measures are taken to ensure that they are made available to the public (for example being printed on the race card or made available in a leaflet from the track office). It will also fall to Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at traveling fairs that the statutory requirement for gambling amount to no more than ancillary amusement at the fair is met. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a traveling fair.

Generally the Herefordshire Licensing Authority will not need to concern itself with the suitability of a person applying for a premises licence as that person will have to hold an operating licence from the Gambling Commission. Where concerns about a person's suitability or business practices arise the Herefordshire Licensing Authority will bring this to the attention of the Gambling Commission.

(E) Conditions

Conditions attached to Premises Licences by the Herefordshire Licensing Authority will be proportionate and will be:

relevant to the need to make the proposed building suitable as a gambling facility
directly related to the premises and type of licence applied for
fairly and reasonably related to the scale and type of premises reasonable in all other respects.

Appropriate measures / licence conditions may cover issues such as:

proof of age schemes
CCTV
supervision of entrances / machine areas
physical separation of areas
location of entry to the premises (matters detailed in the Guidance)
notices / signage about under 18's not entering the premises
opening hours
self barring schemes; and/or
provision of information leaflets / helpline number of gambling self help organisations.

This list is not mandatory or exhaustive and merely indicative of example measures.

The Herefordshire Licensing Authority will aim to not duplicate conditions that are attached to a premises licence by the Gambling Act, Gambling Commission or Secretary of State (unless they are default conditions which may be substituted accordingly) or conditions attached to an operators or personal licence.

Conditions on buildings with multiple licences

The Herefordshire Licensing Authority will consider specific measures that may be required for buildings that have multiple licences. Such measures may include:

- the supervision of entrances
- segregation of gambling from non-gambling areas frequented by children; and/or
- the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

Betting machines

Holders of a betting premises licence are permitted (subject to the Local Authority discretion) to have betting machines. A betting machine is different from a gaming machine as it is designed or adapted for use to bet on real events. For example, some premises may have betting machines that accept bets on live events, such as horse racing as a substitute for placing a bet in person over the counter.

Licensing Authorities have powers to restrict the number of betting machines in certain premises. In determining the number of betting machines, the Herefordshire Licensing Authority will consider the nature of the machine and the circumstances with which they are made available. This may include:

- the size of the premises
- the number of counter positions available for counter-to-counter transactions; and/or
- the number of staff to monitor the use of the machines by children and young persons or vulnerable people.

Matters that Licensing Authorities May Not Consider

The Gambling Act and Guidance provides a number of matters that licensing authorities may not consider. These include:

- Moral objections – A Licensing Authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area.
- Planning – When determining an application, regard cannot, under the terms of the Gambling Act, be given to planning or building control permissions and/or any planning restrictions, refer to paragraphs 80 to 81.
- Demand – Licensing Authorities must not take into account issues around the demand for gambling premises.

Conditions that the Licensing Authority May Not Attach to Licences

The Guidance provides a number of conditions which licensing authorities may not attach to premises licences. These are:

- Any condition on a premises licence which makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machines categories, numbers, or method of operation.

- Conditions which provide that membership of a club or body be required.
- Conditions in relation to stakes, fees, winnings or prizes; and
- A condition requiring door supervisors at casinos and bingo premises licensed under the Gambling Act to be Security Industry Authority (SIA) licensed.

(f) Links to Other Polices

This section identifies related strategies and sets out how the Herefordshire Licensing Authority will integrate its licensing functions with these strategies.

Enforcement

The Herefordshire Licensing Authority will be responsible for ensuring compliance with premises licences and other permissions such as notices and permits. The Gambling Commission will be the enforcement body for Operator and Personal licences, which also includes concerns around supply, manufacture and repair of gaming machines and online gaming.

The Herefordshire Licensing Authority will have regard to any guidance issued by the Gambling Commission on enforcement. Where no specific guidance exists the Herefordshire Licensing Authority will follow the principles on enforcement provided by the Better Regulation Executive and Hampton Review of regulatory inspections and enforcement. Overall, these provide that a regulator will be:

- Proportionate - intervene where necessary and where remedies are taken these will be appropriate to the risk posed and costs identified and minimised.
- Accountable – be able to justify decisions and be open to public scrutiny.
- Consistent – have rules and standards which are joined up and implemented fairly.
- Transparent – keep regulation simple, open and user friendly.
- Targeted - remain focused on the problem and minimise the side effects.

The Herefordshire Licensing Authority will adopt a risk-based enforcement programme. This means we will endeavour to target high-risk premises, which require greater attention, whilst operating a 'light touch' enforcement for those low risk premises who require less attention.

While the Guidance suggests that the criteria the licensing authority will use to risk rate premises is included in this policy, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. This section will be amended once the relevant information is made available.

Further detail regarding Herefordshire's approach to enforcement under the Gambling Act are detailed in Herefordshire's Gambling Act Enforcement Policy. Our enforcement policy is developed in accordance with the principles of the Regulatory Compliance Code.

In exercising enforcement functions under the Gambling Act, the Herefordshire Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

Reviews

A premises licence may be reviewed by the Herefordshire Licensing Authority of its own volition or following the receipt of an application for a review. Applications for review may be made by Interested Parties or Responsible Authorities.

Whether a review is granted will be on the basis of whether the issues raised in the application for review:

- are substantially the same as previous representations or requests for review
- are in accordance with any relevant code of practice or guidance issued by the Gambling Commission
- are in accordance with any relevant guidance issued by the Gambling Commission
- are reasonably consistent with the Licensing Objectives; and/or
- are in accordance with this policy.

The Herefordshire Licensing Authority will also consider whether the request for a review is frivolous, vexatious, will certainly not cause the Herefordshire Licensing Authority to alter/revoke/suspend the licence or whether the request is substantially the same as previous representations or requests for review i.e. it is repetitive.

Further guidance regarding the reviews process is available on the Herefordshire Website www.herefordshire.gov.uk/licensing

Planning Policies

When determining an application, the Herefordshire Licensing Authority cannot take into account the likelihood of the applicant obtaining planning permission, listed building consent or building regulations approval. However, applications for permanent premises (or variations to permanent premises) should normally be made where the operator already has the appropriate planning permissions and consents for the property concerned.

Although not part of this policy, applicants are reminded that there are various borough wide and area based planning guidance and strategies which may be relevant to the non-licensing components of any proposal. These include:

- The Town and Country Planning Act (1990) as amended
- Town and Country Planning (Use Classes) Order 1987 and subsequent amendments
- The Unitary Development Plan
- Food, Drink and Entertainment in Herefordshire Town

Crime and Disorder Policies

This Gambling Policy has been written having regard to the Safer Herefordshire Strategy 2005-08. In supporting the aims of the strategy, the Herefordshire Licensing Authority will work in partnership with the police and other responsible authorities to ensure that crime and disorder issues around gambling premises are tackled effectively. This includes expanding the work of the Licensing Tasking Meeting to include a fortnightly examination of crime and disorder statistics around Gambling Premises and the taskings of the appropriate agencies to deal with identified issues where appropriate.

Policies about Children and Young Persons

The Herefordshire Licensing Authority will look to the Herefordshire Safeguarding Children Board to advise on issues around Protection of Children from Harm. Herefordshire's strategy around children and young people are found in the Herefordshire's Children and Young People's Plan 2006-2009. This plan underpins the functions of the Herefordshire Safeguarding Children Board to ensure young people and children achieve their full potential.