

To: All members of the Council

Corporate Support Centre
Alistair Neill – Chief Executive Officer

our ref: Council - 11 December 2020
contact: Matthew Evans, Democratic Services
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3 December 2020

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 11 December 2020** online only at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

C Ward

Claire Ward
Solicitor to the council

AGENDA

Council

Date: **Friday 11 December 2020**

Time: **10.00 am**

Place: **Online meeting only**

Notes: Watch this meeting live by accessing the link below:
<https://youtu.be/S4WeRcSjY6Y>.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor Sebastian Bowen

Councillor Kema Guthrie

Councillor Graham Andrews
Councillor Polly Andrews
Councillor Chris Bartrum
Councillor Dave Boulter
Councillor Ellie Chowns
Councillor Gemma Davies
Councillor Toni Fagan
Councillor Carole Gandy
Councillor John Harrington
Councillor Jennie Hewitt
Councillor David Hitchiner
Councillor Helen l'Anson
Councillor Peter Jinman
Councillor Graham Jones
Councillor Jim Kenyon
Councillor Trish Marsh
Councillor Mark Millmore
Councillor Felicity Norman
Councillor Tim Price
Councillor Alan Seldon
Councillor Louis Stark
Councillor David Summers
Councillor Paul Symonds
Councillor Diana Toynbee
Councillor Yolande Watson

Councillor Paul Andrews
Councillor Jenny Bartlett
Councillor Christy Bolderson
Councillor Tracy Bowes
Councillor Pauline Crockett
Councillor Barry Durkin
Councillor Elizabeth Foxton
Councillor John Hardwick
Councillor Liz Harvey
Councillor Kath Hey
Councillor Phillip Howells
Councillor Terry James
Councillor Tony Johnson
Councillor Mike Jones
Councillor Jonathan Lester
Councillor Bob Matthews
Councillor Jeremy Milln
Councillor Roger Phillips
Councillor Paul Rone
Councillor Nigel Shaw
Councillor John Stone
Councillor Elissa Swinglehurst
Councillor Kevin Tillet
Councillor Ange Tyler
Councillor William Wilding

Agenda

(The meeting will be preceded by thought for the day.)

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the Council in respect of items on the agenda.	
3. MINUTES	11 - 32
To approve and sign the Minutes of the meeting held on 9 October 2020.	
4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS	33 - 40
To receive the Chairman and Chief Executive's announcements.	
5. QUESTIONS FROM MEMBERS OF THE PUBLIC	
To receive questions from members of the public. <i>Deadline for receipt of questions is 5:00pm on Monday 7 December.</i> <i>Accepted questions and answers will be published as a supplement prior to the meeting.</i>	
6. QUESTIONS FROM MEMBERS OF THE COUNCIL	
To receive any written questions from members of the Council. <i>Deadline for receipt of questions is 5:00pm on Monday 7 December.</i> <i>Accepted questions and answers will be published as a supplement prior to the meeting.</i>	
7. LICENSING POLICY 2020-2025	41 - 160
To review and approve the draft Licensing Policy 2020-2025.	
8. LEADER'S REPORT	161 - 182
To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 9 October.	
9. NOTICES OF MOTION UNDER STANDING ORDERS	183 - 188
To consider Notices of Motion.	
10. FULL COUNCIL MEETING DATES 2021/22	
The next meeting is the extraordinary meeting of Council on 15 December 2020 at 2.00 p.m.	
Forthcoming meetings in the remainder of 2020/21 are listed below:	
22 January 2021 – Extraordinary meeting	
12 February 2021 – Budget meeting	
5 March 2021	
21 May 2021 – Annual meeting	
Council is asked to approve the schedule of full Council meeting dates in 2021/22 as below:	

23 July 2021
8 October 2021
10 December 2021
11 February 2022 – Budget meeting
4 March 2022
20 May 2022 – Annual meeting



The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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

Minutes of the meeting of Council held at Online meeting only on Friday 9 October 2020 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen l'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Director for children and families, Director for economy and place, Democratic services manager, Chief executive, Director for adults and communities and Solicitor to the council

TRIBUTES TO COUNCILLOR BERNARD HUNT

At the start of the meeting members of the Council paid tribute to Councillor Bernard Hunt who had sadly passed away during the week. He was remembered for his hard work, good humour and serving his local residents with distinction.

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Barry Durkin.

11. DECLARATIONS OF INTEREST

There were no declarations at this stage of the meeting. Please see minute 20 below.

12. MINUTES

RESOLVED: That the minutes of the annual meeting held on 11 September 2020 be confirmed as a correct record and signed by the Chairman.

13. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers. Further to the announcements in his report, the Chairman explained that he had recently attended the Battle of Britain service at the Cathedral and visited the New Model Institute for Technology and Engineering (NMITE) at Blackfriars.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 18)

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 1.

15. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 19 - 22)

A copy of the Member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 2.

16. RE-THINKING GOVERNANCE

Council considered a report by the Chairman of the Audit and Governance Committee which recommended the implementation of a hybrid cabinet model at the council from May 2021. The report was introduced by the Chairman of the Audit and Governance Committee who proposed the recommendation and expressed his thanks for the work undertaken by the re-thinking governance working group and officers to produce a recommendation in accordance with the timelines. He noted that the working group had met on 10 occasions to discuss matters in depth and had sought to engage all members in its work. There would be further opportunity for member engagement ahead of the final structure that would be determined at the annual council meeting in May 2021.

The following principal points were raised during the debate:

- Disappointment was expressed that there had not been wider engagement with members in the development of the proposal. It was noted that a third of members had not participated in the survey or attended any workshops.
- Some members expressed disappointment that a committee system had not been recommended by the working group. It was felt that the hybrid cabinet model could be an interim position and the governance structure at the council could be reviewed again in the future.
- The quality of the work undertaken by the working group was commended.
- The proposed model was felt to incorporate positive elements from the committee system and the leader/cabinet model. It was noted that the new system would be subject to review 12 months after its implementation.
- The proposed model would increase the involvement of all members in decision-making processes and democratic accountability.
- A member claimed that the recommendation represented a 'U-turn' from the administration which had stood on an electoral platform of introducing a committee system. This claim was refuted by some members who explained that the recommendation had been resolved by a cross-party working group of the council and was a step towards realising a modern and accountable system of governance.
- There was concern that those members with full time employment might be restricted from participating fully in the new system.
- It was noted that a change to the governance structure would need to be accompanied by cultural change at the council in order to prove effective.

The Chairman of the Audit and Governance Committee explained that members had the ability to contribute to the executive decision-making process by exercising the call-in of decisions through the scrutiny committees. The importance of an efficient decision-making system had been proven during the COVID-19 pandemic and the proposed model ensured that streamlined decision-making would continue.

The Vice-Chairwoman of the Audit and Governance Committee seconded the recommendation and explained that the working group had been assisted by the Centre for Governance and Scrutiny. The recommendation had been the consensus of the

working group and had been agreed unanimously by the Audit and Governance Committee. Workshops would be hosted in the period up to May 2021 to assist in the development of the hybrid cabinet model and there would be a review of the model following its implementation.

The recommendation in the report was put to the vote and was carried by a simple majority of Council.

RESOLVED: That having regard to the work undertaken by the Re thinking Governance working group and the recommendation of audit and governance committee, a hybrid cabinet model of governance is approved with implementation from annual council in May 2021.

17. HEREFORD LEISURE POOL RE-OPENING

Council considered a report by the Cabinet Member Commissioning, Procurement and Assets which recommended the addition of a new capital budget to undertake reinstatement works to the Hereford leisure pool. The report was introduced by the Cabinet Member Commissioning, Procurement and Assets who moved the recommendation. She explained that the pool was an important facility to support health and wellbeing and its social value necessitated its prompt reopening. The location of the pool, on an area which was susceptible to flooding, would be reviewed in the core strategy and leisure strategy however whilst this review took place it was important that the pool was reopened as a facility for all Herefordshire residents.

The following principal points were raised during the debate:

- The pool was not just a leisure pool but was also used by competitive athletes who relied on the facility for training.
- It was recognised that it was essential that the pool reopened to ensure children could be taught to swim to protect against the risk of drowning in local rivers.
- The investment to reopen the pool was supported but it was noted that provision for similar facilities in Bromyard and Ross-on-Wye had not been forthcoming. There needed to be equitable investment across the county.
- Members had been approached by local residents calling for the prompt reopening of the pool.
- The reopening of the pool was supported whilst work was undertaken to investigate an alternative location for the facility.
- The health and wellbeing benefits of the facility were highlighted.
- There was concern that the works required had not been covered by insurance due to outstanding remedial works. It was hoped that lessons would be learned and that council assets would be reviewed to ensure they were insured.

The Cabinet Member Commissioning, Procurement and Assets explained that the inspection of assets would now be a proactive approach with full condition surveys undertaken. This would have implications to the budget to be determined in February 2021. The leisure strategy represented a Herefordshire approach to facilities throughout the county and would respond to the issues in the market towns raised during the debate.

The Cabinet Member Finance and Corporate Services seconded the recommendation and explained that there were lessons to be learned including the proper funding of asset maintenance and insurance cover. The lack of cover at the leisure pool was the consequence of historic budget cuts to maintenance and insurance budgets. There was also learning around where strategic assets were located to ensure they were fit for purpose in the long-term.

The recommendation in the report was put to the recorded vote and was carried by a simple majority of Council.

FOR (48): Councillors: Graham Andrews; Paul Andrews; Polly Andrews; Jenny Bartlett; Chris Bartrum; Christy Bolderson; Dave Boulter; Sebastian Bowen; Tracy Bowes; Ellie Chowns; Pauline Crockett; Gemma Davies; Toni Fagan; Elizabeth Foxton; Carole Gandy; Kema Guthrie; John Hardwick; John Harrington; Liz Harvey; Jennie Hewitt; Kath Hey; David Hitchiner; Phillip Howells; Helen l'Anson; Terry James; Peter Jinman; Tony Johnson; Graham Jones; Mike Jones; Jim Kenyon; Jonathan Lester; Trish Marsh; Mark Millmore; Jeremy Milln; Felicity Norman; Roger Phillips; Tim Price; Paul Rone; Nigel Shaw; Louis Stark; John Stone; David Summers; Elissa Swinglehurst; Paul Symonds; Kevin Tillett; Diana Toynbee; Yolande Watson; and William Wilding.

AGAINST (0)

ABSTAIN (2): Councillors: Alan Seldon and Ange Tyler (*both members voted to abstain due to loss of connection with the meeting during the debate*)

RESOLVED: That the addition of a new capital budget to fund un-insured regulatory and essential works required at the Hereford leisure pool is approved. To be funded by existing budgets wherever possible and, failing that, new prudential borrowing not expected to exceed £505k.

18. 2019/20 TREASURY MANAGEMENT OUTTURN

Council considered a report from the Cabinet Member Finance and Corporate Services which set out the treasury management outturn for 2019/20. The report was introduced by the Cabinet Member Finance and Corporate Services who proposed the recommendation and paid tribute to the work of officers to ensure cash reserves and money on deposit achieved good interest returns. Effective treasury management had contributed to the underspend in capital investment and a reduction in borrowing and long term liabilities. The council had used cash reserves for projects in order to reduce the requirement for borrowing and support the reduction of the total external debt.

The following principal points were raised during the debate:

- Treasury management officers were praised for their work to maximise returns and that the style of the report was easy to read and understand.
- The lack of an increase in average salaries in Herefordshire was raised. This was inconsistent with the trend in the West Midlands and it was queried whether this was the consequence of a lack of growth in the county.
- It was queried whether the council could apply for coronavirus business recovery loans to reduce liabilities.
- The problem of the relocation of individuals into the county from more affluent areas and the impact on the spending power of local residents was raised.

The Leader seconded the recommendation and explained that there was a concern about growth in the county. The slow rate of growth had endured for 10 years and was a problem which had been inherited by the new administration. The building of a new road would not immediately produce growth; road building programmes were being reviewed by the administration in the context of climate change.

The recommendation was put to the vote and was carried by a simple majority of the Council.

RESOLVED: That the treasury management outturn for 2019/20, as detailed in appendix 1, is approved.

19. LEADER'S REPORT TO COUNCIL

Council received and noted the Leader's report providing an update on the work of the Cabinet since the previous ordinary meeting of Council and an annual report on the priorities of the Cabinet and the progress made in meeting those priorities. The Leader introduced his report which included the following points:

- There was excitement over the project at Maylords and it was important to remain flexible with the rents chargeable to new tenants.
- There had been pleasing cross-party engagement on the phosphate issues and it was recognised that the issue was having a significant impact on house building targets.
- The work of the council and its response to the COVID-19 pandemic had been recognised at a national level.

The following principal points were raised during the debate:

- What responses had been received from business to shape developments at Maylords? *The Leader explained that social engagement was being undertaken and one unit at the centre was to be for wider community use. The Cabinet Member Commissioning, Procurement and Assets explained that a common theme in the feedback referred to a need to improve the street scene in the area and improvements to Brewer's Passage were planned.*
- Clarification was sought regarding the reason to not repay the £3.8m to the Marches Local Enterprise Partnership. *The Leader explained that the council did not want to repay the money and was attempting to use it in accordance with the initial objectives. The Cabinet Member Infrastructure and Transport explained that the outcomes for which the funding was allocated, including the creation of jobs, would be achieved but in a different manner to that proposed by the previous administration.*
- The Leader was encouraged to work with other areas to put pressure on the Department for Environment, Food and Rural Affairs (Defra) to resolve the phosphate issue. It was acknowledged that the issue needed action from the government to enforce restrictions on the use of land immediately adjacent to rivers. *The Leader explained that it was an issue for the whole county; its impact was also economic as it prevented development in the Lugg catchment which restricted growth. The Cabinet Member Infrastructure and Transport explained that the issue was being taken seriously by Powys and Natural Wales. Local MPs were helping represent the issue to government and it was agreed that pressure should be put on Defra. The new agricultural bill sought to provide subsidies to farmers for enhancements to the natural environment and to set land aside.*
- It was noted ceilings had collapsed on three occasions at Shirehall and it was queried when works would be completed. *The Leader explained that a precise date was not available and the repairs required to the Shirehall represented a long term maintenance issue. The Cabinet Member Commissioning Procurement and Assets explained that she would share the plan for the repairs to the Shirehall in an update to members.*
- The Leader was asked what losses would be associated with Maylords due to uncollected rent. *The Leader explained that a written response would be provided. The Cabinet Member Finance and Corporate Services explained that nationally rent collection in commercial properties stood at 35 – 41%; rent collection at Maylords was at 61% and concerns over Maylords had been addressed with the member concerned.*

- People moving into the county with a greater buying power than local residents was raised and the impact this placed on the availability of affordable housing. *The Leader recognised that more people wishing to relocate to the area put more pressure on local housing; the administration planned to build 1,000 more units of social housing.*
- The review of the public realm services contract was raised and whether contract management officers would be retrained and the project management team brought back in-house? *The Leader explained that there was an intention to develop project management at the council and it was recognised that the management of the contract had been poor. The Cabinet Member Finance and Corporate Services explained that the council would ensure value for money on the contract with more competitive tendering, particularly for local businesses. Shortcomings in the management of the contract would also be addressed.*
- Concerns were raised regarding the impact of the pandemic on children and the increase in demand for local services. *The Leader explained that there was a programme of cultural change in effect in children's services with the introduction of signs of safety. The new approach would help address an increase in demand and it was recognised that there may be a lag in the reporting of issues to social services. The Cabinet Member Children and Families explained that there were new approaches to ensure safety of children and young people including signs of safety and the location of the domestic abuse hub in the Multi-Agency Safeguarding Hub.*
- The construction of smaller and more sustainable housing was raised. *The Leader explained that it was important to work with local communities to understand what housing was preferred. The council was investigating best practice around the country with respect to principles concerning the construction of housing.*

20. NOTICES OF MOTION UNDER STANDING ORDERS

Motion – Decline in Hedgehog population

In moving the motion Councillor Elissa Swinglehurst made the following points:

- The level of hedgehog population had been estimated at 30m in the 1950s. An estimate of the population in 2012 was lower than 1m. It was likely that the hedgehog was already extinct from some areas of the country.
- The rate of decline was more pronounced in rural areas which was attributed to an increase in intensive farming practices which had resulted in a loss of habitat and food.
- The motion asked the executive to consider what it could do to consider the hedgehog as a protected species.
- It was encouraged that development take account of the impact of building on hedgehogs and measures were incorporated in applications to mitigate this impact.

In seconding the motion Councillor Yolande Watson explained the historic relevance of hedgehogs in Herefordshire. The council was encouraged to embed good practice in the planning system and protect biodiversity in the county.

Councillor Kevin Tillet declared an other interest as a member of the Hedgehog Preservation Society.

The following principal points were raised during the debate:

- The council could ban the use of slug pellets that were poisonous to hedgehogs by council workers and contractors.

- The use of hedgehog highways in new developments were important and the council could work with developers to encourage inclusion of the facilities in applications.
- It was confirmed that a wildlife protection kit was being considered for inclusion in planning arrangements and the Core Strategy.
- The council was working on a nature strategy which would address issues such as the use of slug pellets by contractors of the council.
- The motion was supported.

Councillor Swinglehurst, as the mover of the motion, closed the debate and thanked the Council for their support. The nature strategy was anticipated and how it could assist in the preservation of hedgehogs.

The motion was put to the vote and carried unanimously.

RESOLVED: That –

A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.

The meeting ended at 2.06 pm

Chairperson

Agenda item no. 5 - Questions from members of the public and supplementary questions

Question Number	Questioner	Question	Question to
PQ 1	Mr Conod, Hereford	Please explain Herefordshire Council Cabinet’s decision making process in the context of the changes to our county’s roads, in particular decisions made to use the funds provided by central government in the Green Roads Policy. In the response please list the proposals that were tabled for how and where the expenditure should happen, what tests were discussed that could be used to assess the effectiveness of the measures, and please list the Councillors who voted on the proposal(s) and who is ultimately accountable for the decision that was made to enact the current suite of measures in place?	Leader

Response:

You have confirmed that you are referring to the Emergency Active Travel Measures (EATMs) which have recently been implemented. The measures implemented were developed in line with guidance published by the Department for Transport on 9th May which requested that councils reallocate road space and make additional provisions for cyclists and pedestrians, wherever possible, to facilitate the easing of the lockdown restrictions by introducing measures that support social distancing, including providing alternatives to public transport. The guidance set out that the measures should be implemented as swiftly as possible, and in any event within 8 weeks of the funding being awarded to provide for changed travel habits that occurred during lockdown and to enable these to continue as lockdown is relaxed. The development of the measures was undertaken by a team of officers supported by professional services provided through the Balfour Beatty Public Realm contract. As part of the development process ward members, town and city councillors, local business, traders, transport providers and other organisations were consulted on the proposals. The decision to implement the measures was taken by the Director for Economy and Place in line with section 3.7.9 all necessary decisions in the case of emergencies of the constitution. The decision was taken in consultation with the council’s Chief Finance Officer, Solicitor to the Council and the Cabinet Member for Infrastructure and Transport. The decision report and associated appendices is published on the council’s website and can be seen by following the link below.

<http://councillors.herefordshire.gov.uk/documents/s50081009/Development%20and%20delivery%20of%20emergency%20transport%20measures%20associated%20with%20the%20response%20to%20COVID%20-19%20o.pdf>

As set out in this report we have considered feedback following implementation of the measures and made some adjustments accordingly. There are two further reports on the council’s website which set out these changes and the reasons why these adjustments were made and these can be seen by following the links below.

<http://councillors.herefordshire.gov.uk/documents/s50082181/Revision%20of%20emergency%20active%20travel%20measures%20EATM%20associated%20with%20the%20response%20to%20COVID%20-19%20outbre.pdf>

<http://councillors.herefordshire.gov.uk/documents/s50082460/Revision%20of%20emergency%20active%20travel%20measures%20EATM%20associated%20with%20the%20response%20to%20COVID%20-19%20outbre.pdf>

Supplementary Question

Mr Conod outlined his experiences of engagement with councillors concerning the EATMs. He believed that due to the responses he had received from Councillors Harvey and Milln both had been in breach of the Council's code of conduct. He queried what action would now be taken against the councillors.

Chairman's response

The Chairman explained that a process existed to make complaints against members of the Council. The questioner had been sent the paperwork to make a complaint.

PQ 2	Mr Thomas, Fownhope	Is the council aware that it is setting an expensive precedent in the county by replacing a historic lime mortared stone wall together with the nailing of the rock geology behind where there is no evidence of a landslide causing the failure of a poorly maintained old stone wall?	Cabinet member infrastructure and transport
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Response:

Engineering analysis concludes that the B4224 at this site will collapse if loaded with regular traffic – even alternate one-way traffic. Whilst the land may appear to be stable, this does not mean that it will remain so. It is important to consider all likely failure modes when engineering the solution, and we have taken independent expert engineering advice which has concluded that the Soil Nailing/Reinforced Soil Solution that we are taking forward is the most appropriate, effective and resilient repair. I acknowledge that this repair is not cheap, but the simple rebuilding of the failed section of wall will not provide an effective solution.

Supplementary Question

It would appear from the statement that the advice provided Council is flawed, as it is apparent the Authority had; firstly, assumed a slip-plane was present – this is not the case; secondly, believed up slope ground water threatened the stability of the wall – this is not the case; and thirdly, had not maintained the wall as part of regular maintenance of infrastructure assets – as other such walls in the county are being.

Is the Council therefore aware that as all structures yield under load that lime mortar is ideally placed (if maintained), to ensure the long term stability of an old wall – as lime mortar can accommodate heave, the migration of water, and self heal as they re-calcify in air. Whilst it is apparent BBLP appear to offer up overly technical and overly engineered solutions, without knowledge or understanding of historic lime mortar structure, perhaps BBLP can be encouraged to go on a course to understand the care and maintenance of lime mortar structures – if only to help save the Council millions of unnecessary expenditure and the disruption to the wider public.

Cabinet member's response

There had been previous correspondence with the questioner whose opinion was respected and there would be ongoing engagement. There was a difference of opinion between the questioner and the technical consultants of the council of the reasons for the movement of the wall during the heavy rainfall in February. The questioner's opinion would not be discarded but would be considered when an assessment of those lessons that could be learned from the event was undertaken. There was a current focus on completing the works as soon as possible and it was hoped the road would be open by February 2021.

PQ 3	Mr McKay, Leominster	<p>December 2015 Council Meeting advised that the Anomalies Report with Blue Triangle location markers on the public rights of way map were removed due to being a working document, viewable by appointment at BBLP. The Deregulation Act 2015 Schedule 7 provides for anomalies due to administrative error to be rectified when that legislation comes into effect, and I ask if would split this into two parts, being :-</p> <p>a) those inhand, or waiting Schedule 7, and which may be viewed by appointment at BBLP, and</p> <p>b) those remaining anomalies, with the Blue Triangle location markers reinstated, so that parishes, interest groups, etc., may be aware and have the opportunity to look at the details online to see if could help to resolve the anomaly before the CROW Act cut-off date 2026, after which this could become more complicated/costly?</p>	Cabinet member infrastructure and transport
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Response:
The Definitive Map with blue triangle location markers for anomalies is available and would normally be available to view by the public at the Balfour Beatty Living Places offices in Rotherwas. However, unfortunately, the BBLP offices are currently not open to the public due to Covid-19 restrictions. These restrictions will be reviewed regularly in line with the Government guidance. Whilst restrictions are in place, requests for information can be made by emailing HerefordshirePROW@bblivingplaces.com and if possible information / extracts will be provided. We will investigate whether these plans can be made available on the council's website subject to available resource. There are identified anomalies on the Definitive Map. These are a mixture of ones that may be resolved by the Authority under Schedule 7 of the Deregulation Act and the remainder will require research to resolve. The list of anomalies is not currently split or identified into these two groups as funding is required for this research. This will be undertaken when funding becomes available and when the list is amended this will be available on the council's website.

Supplementary Question

The DEC-Streets Version 4.1 section 8.1 says that the aspiration is to move to a single electronic recording method, with it expected that this Local Street Gazetteer guidance will develop, with it being anticipated that Local Street Gazetteers will form one of the data sets used to protect Highways from extinguishment under the provisions of the CROW Act 2000 in 2026. The Local Street Gazetteer is the most comprehensive data set and if these blue anomaly triangles could also be shown on this when website updated, we could expect to see the highway records in clearest format, minimising gaps, overlaps and duplications of work being undertaken to meet the 2026 cut-off date.

Cabinet member's response:

Mr McKay's questions have proved to be useful and a written update would be provided to the supplementary question.

Written response provided on 20 October 2020

The DEC-Streets Version 4.1 is a reference manual for guidance, not a statutory requirement. The aspiration to move to a single electronic recording method has benefits. The current list of anomalies requires funding to research and to put them into a format that can be viewed on the website. This work will be prioritised along with the other works required in managing and dealing with the Definitive map and will be undertaken as funding becomes available.

PQ 4	Mr Williams, Marden	<p>Several European Countries and a number of Local Authorities in the U.K. have banned the construction of Masts of any description within the vicinity of Schools and public playgrounds. Can you let us know what is this Authorities policy in respect of this matter?</p> <p>We have been advised by our Solicitor to write to you to clarify the situation.</p> <p>As you are aware we and many residents of Marden have concerns regarding the siting of the Mast in the playing field of Marden Primary School.</p>	Cabinet member health and adult wellbeing
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Response:

Herefordshire Council's planning service must follow national guidance when considering any application for mobile phone masts or the like. The mast in Marden was made as a 'Prior Notification' application in 2017, which is the appropriate 'fast track' procedure laid down in statute which our officers have no option but to follow. Planning officers were made aware of concerns from the local community and took this into account in the balance and determination of the application. However, having carefully considered all the information submitted in support of the application, the officers were satisfied that the mast and its location conformed to the nationally accepted safety standards.

Although I have much empathy with the local community on this matter, unfortunately Herefordshire Council would not be permitted to have a planning policy which enables it to ignore or overrule national planning policy.

The council is provided with expert advice from Public Health England on the latest evidence of potential health impacts of 5G masts, which is available on the councils website if further information is required. Public Health England is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

The full details are here: <https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health>,

Supplementary Question

Many Countries and Counties within the U.K. are banning 5g until sufficient tests have been carried out to ensure it is safe.

Ultimately, as Councillor Bob Matthews asked the question last year at Full Council but to date have had no response, can you tell us what is Herefordshire's position on 5g and who will be held responsible for the effects on health and well-being - mental and physical, when these Masts are sited in close proximity to schools and public open spaces? Especially as Children are more susceptible to the effects of electromagnetic fields.

Cabinet member's response

The council received advice from Public Health England (PHE) who monitored evidence applicable to radio technologies and revised advice when necessary. The council had to follow the advice of PHE and had to act in accordance with national planning policy.

Director of Public Health's response

The latest evidence from PHE was published on the Council's website which guided the decisions taken by the council. There was reassurance that there was not evidence to support the impact on health.

PQ 5	Ms Wegg-Prosser, Breinton	The government is changing the Standard Method (SM) for assessing local housing need within its proposed planning reform legislation. The algorithm calculations for Herefordshire show a 38% increase in housing allocation as compared with the 2014 SM assessment. How comprehensive and detailed has Herefordshire Council's representation been to the government concerning this astonishing increase in the County's housing allocation?	Cabinet member infrastructure and transport
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Response:
 Thank you for your question. The Council provided a comprehensive response to the recent Government consultation upon changes to the Standard Method of assessing Housing numbers in Strategic Plans. For information I have reproduced the response below:

Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Response:

The council is not adverse to the latest household projections being used but does have wider concerns about the standard methodology approach. The outcome of the proposed methodology is to significantly increase the housing requirement from 846 dwellings per annum (dpa) to 1166 dpa. This is an unrealistic requirement for Herefordshire as it faces significant challenges in meeting lower housing figures as demonstrated below:

Between 1991 and 2000 we had an average of 989 dwellings per annum completed
 Between 2001 and 2010 we had an average of 658 dwellings per annum completed
 Between 2011 and 2020 we had an average of 475 dwellings per annum completed (note 2019-20 was the highest since 1999-2000 with 904 net completions)

This equates to an average of 724 dpa over the last 27 years.

For Herefordshire, the standard method requirement (1166 dwellings pa for 2020) shows an increased housing target of almost 60% against past delivery rates (475). The higher need generated by the proposed method is 41% above the annualised Core Strategy requirement of 825 dpa. However, it is noted that if the residual requirement of 1,070 dpa from 2020 onwards is considered, taking account of delivery against the Core Strategy requirement from 2011-20, the need generated by the new method is 9% higher. Additionally, the standard method proposals takes account of past under-delivery through the affordability adjustment.

However, the Council has not achieved a 5 year Housing Land Supply since the adoption of the Core Strategy in 2015. In a situation where there has been a deficit with the 5 year housing land supply for an extended period of time, raising the target even more is questionable as a mechanism to increase housing delivery. Due to the lack of a 5 year supply, the local authority operates on the basis of the presumption in favour therefore opportunities are there for developments to come forward. Herefordshire is a rural peripheral county in the west midlands area of England with an economy focused towards lower value/paid economic activities, and high house prices. ONS Regional Gross Value Added (GVA) Estimates, state that the county generated 15% below the West Midlands average and 29% below the national average.^[1] This all contributes to affordability issues in a high house price market.

The affordability adjustment will take time to have any meaningful impact in longer term annual targets. In a county like this there are more complex issues to housing delivery which cannot be addressed by raising housing numbers, it is over simplistic.

We are very concerned that the Government continues to place significant weight of the performance of Local Planning Authorities (LPA) in relation to under delivery of housing. Herefordshire Council has produced two housing delivery test Action Plans where it identifies areas that the Council can influence in order to improve building rates. However the Government should recognise that there are other reasons outside the remit of local councils that impact delivery touched on above. We are very concerned that the Government will be placing unfair burdens on some local councils to achieve unrealistic rates who will then be faced with penalties when these targets are not met.

Supplementary Question

Thank you for providing the Council's representation on the County's housing allocation. It is a shocking admission of their failure to deliver housing and in particular affordable housing. The rate of build completions in 2011 to 2020 was half the rate achieved in the decade 1991 to 2000. It seems the Council is prepared to rely on the argument that in the absence of a 5 year housing land supply, the housing supply can be increased simply through the presumption in favour of development. The opportunity for the Council to submit a representation proposing, for example, funded mitigation of climate change, funded clean-up of the River Wye, funded social housing, and a brave 'Build Back Better' commitment was missed. Why did the Council choose to complain about the government's proposals rather than pick them up and seize an initiative?

Cabinet Member's response

It was acknowledged that affordable housing had not been delivered over the previous 10 years and the administration was looking to build affordable housing to bridge this gap. There had been two consultations recently concerning planning arrangements; the questioners points would be discussed with officers to determine if they could be included in the response to the Planning for the Future consultation.

Leader's response

^[1] ONS Regional GVA Estimates, 2018

It was acknowledged that the rate of build was slow which called into question the targets set by central government and required the council to raise the deliverability of the targets with government. Officers were being tasked with a proposal to build more affordable housing in the county.

PQ 6	Dr Geeson, Hereford	<p>In 2014 the Environment Agency and Natural England instigated a Nutrient Management Plan to ensure "that the River Wye Special Area of Conservation (SAC) achieves and maintains favourable condition with respect to phosphate". Herefordshire Council's 2015 Core Strategy based County development proposals on the premise that phosphate levels in waterways would improve, but now in 2020 it is clear that phosphate levels continue to increase and are actually prohibiting development. Sir James Bevan, CEO of the Environment Agency now says the EA 'lacks the powers and resources' to tackle farm pollution. For their part, has the planning department of Herefordshire Council tightened its scrutiny of rural and agricultural planning applications in order to prevent new issues with phosphate pollution, e.g. from intensive poultry units, silage clamps, new barns for livestock, septic tanks, etc.?</p>	Cabinet member infrastructure and transport
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Response:
 Thank you for your question concerning phosphates. The Environment Agency have just sent a letter to about 1200 farmers in the River Lugg catchment area reminding them of their new and enhanced regulatory powers under the 2018 Farming Rules for Water, which demonstrates to me that the Environment Agency should now have the appropriate legislative powers they require to protect our rivers. We have also been advised by their Area Environment Manager that they have the sufficient resource to enforce this but I do feel that the EA and other regulatory bodies have not been sufficiently funded up until very recently and even now the funding bias seem to favour flood but not pollution prevention in my opinion, which hampers the monitoring and enforcement of polluters, whatever section they originate from – we have and will continue to make those views clear to DEFRA and other government departments responsible for their funding.

In relation to your planning question, I can confirm that our planning officers consult in accordance with the relevant legislation prior to determining planning applications. These statutory consultees and the types of development consulted upon are referred to within the table at Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and, dependent on the type of development, can include both Natural England and the Environment Agency.

We are bound by national rules and existing local plan policies but we are working hard to make sure changes that can be made, by lobbying nationally or by revising local plans, will be made, and based on evidence and balance.

Supplementary Question:

It was reported this week that farmers on average receive a pollution inspection from the Environment Agency every 263 years*! This may strain credulity but it illustrates that letters to farmers and other potential polluters are the easy action, while enforcement needs much more commitment and resources; and that is lacking. I'm sure Herefordshire Council planning officers do abide by the relevant legislation with planning applications, but in the light of recent revelations isn't it time to introduce stronger supplementary planning guidance? For example, there could be a pause on determining all new applications of intensive livestock and poultry units until monitoring indicates the necessary falls in phosphate levels in waterways

have happened; and/or more detailed stipulations to ensure waste disposal conditions are adhered to; and recognition of the cumulative effects of neighbouring potential phosphate pollution sources.

*https://inews.co.uk/news/environment/farmers-pollution-inspection-environment-agency-chemicals-pollutants-659701?ito=twitter_share_article-top

Cabinet member response:

The capacity of the Environment Agency to monitor pollution levels had been diminished by funding cuts but the council was working with the EA to address pollution levels in local rivers. The nutrients management board had been effective in engaging interested parties and local MPs were representing the interest of the council to government. The council was responsible for granting planning permission for development in the county including facilities such as poultry units. The council had to abide by national regulations and follow the core strategy. It was not felt that the core strategy was robust to address pollution which was now being considered. Supplementary planning guidance was being considered on the issue of agricultural waste.

PQ 7	Mr Palgrave, How Caple	<p>Good practice requires capital projects to be evaluated on completion to confirm they deliver the claimed benefits and Value for Money. The Monitoring and Evaluation Plan for the City Link Road, opened Dec 2017, promised annual reporting of project delivery (outputs); and the monitoring of outcomes and impacts throughout the HCCTP delivery, leading to the production of 'One Year After' and 'Five Year After' reports.</p> <p>Are any reports available to confirm to what extent the City Link Rd has: a) taken traffic from the inner ring road in Hereford to reduce traffic on Newmarket and Blueschool Streets to allow them to be further upgraded for easier pedestrian movement; and b) enabled redevelopment of the area opening up land for residential redevelopment, particularly 800 new housing units, approximately 35% for affordable use?</p>	Cabinet member infrastructure and transport
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Response:

The Council undertook extensive multi-modal surveys in 2014 prior to construction of the city link road to provide a baseline for HCCTP evaluation. These surveys were followed up with further surveys in 2019 to provide interim evaluation results on the effects of the City Link Road. Full evaluation of the HCCTP will be carried out one year and five years after the full HCCTP has been delivered.

The results from a comparison of the 2014 and 2019 surveys and a draft report has been produced. That report will be published shortly on the councils website.

Supplementary question:

According to the Hereford City Centre Transport Package Programme Update of 23 November 2017, the projected costs for the 'public realm' components of the Package, i.e. improvements to Commercial Road, Blueschool and Newmarket Streets, and the construction of a Transport Hub at the railway station were - Professional Fees: £563k, and Construction & Statutory Utilities: £5927k. How much of the Professional Fees forecasted have now been spent? And given the slower than expected progress on these developments, are these forecast costs from 3 years ago still realistic?

Cabinet member response:

This was a technical question and a response from officers would be arranged.

Written response provided on 20 October 2020

The spend to date on professional fees for preliminary design of the Transport Hub and Public Realm element of the Hereford City Centre Transport Package is £297k. The next step for this element of the package will be to undertake a public and stakeholder engagement process to confirm the approach to these elements. The forecast costs for the remaining elements will be updated when the hub and public realm detail is further developed and will be the subject of a governance report at that time.

Agenda item no. 6 - Questions from members of the council

Question Number	Questioner	Question	Question to
MQ 1	Councillor William Wilding, Penyard	<p>Having seen an article on the 'Your Hereford' website this week, which attracted overwhelmingly positive comments about the Beryl Bike scheme, it seems that it is a great success. As I'm sure you are aware, praise for a council scheme that involves behaviour change and action to combat the Climate Emergency is as rare as hens teeth.</p> <p>We must credit the previous administration, particularly Councillor Durkin, with getting this scheme started, and hope the coalition continues to improve on it by providing more safe cycle lanes to encourage even more take up.</p> <p>One area of concern which was highlighted by resident Carole Protherough on the 'Herefordshire Coalition' facebook page was how we might give consideration to a parallel system involving improved Shopmobility for older and disabled people.</p> <p>Have you any thoughts or plans as to how we could address this?</p>	Cabinet member infrastructure and transport
<p>Response:</p> <p>We welcome the support for the Beryl Bikes, which as you say have been a tremendous success since July 2019. Over this time we have seen over 8,000 residents use the scheme and between them cycling over 71,000 trips and totalling 180,000 kilometres.</p> <p>We will explore the suggestion to broaden and improve the scheme, however it is worth noting that we also have a separate bike hire offer at the Halo Bike Cabin which includes a variety of adaptive bikes. The Bike Cabin is located next to the tennis courts on Bishops Meadows although this is temporarily closed due to Covid-19.</p> <p>In terms of the Shopmobility service, this has been operated privately since prior to 2013 when Herefordshire Council handed the Hereford scheme to Services for Independent Living (S4IL), having not operated any of the market town schemes. The service is now operated by Mills Mobility on Harrow Road (as S4IL could not afford to keep It running). Whilst the council continue to offer its support, further development or council involvement is not currently planned due to the operating costs of providing a countywide service.</p>			
<p>Supplementary question:</p>			

It was felt that it would add to the success of the Beryl bike scheme if it was broadened to be more inclusive, perhaps the council could undertake some research to understand how this could be achieved.

Cabinet member's response:

Officers and Beryl would be approached with the idea.

Written response provided on 2 November

The team are currently working with Beryl on a proposal to add eBikes to the existing bike hire scheme. The eBikes would operate in the same fashion as the current fleet of bikes, they would be available across the city for all scheme users. The addition of eBikes to the scheme will enable people to go further than they would normally feel comfortable doing so and over more challenging terrain. We hope their addition would enable more people to try the bike share scheme and cycling who otherwise may not have had the confidence or ability to do so.

MQ 2	Councillor Bob Matthews, Credenhill	<p>On 12 June 2020 the council purchased a large block of retail property in Maylord Orchard, Hereford for the sum of £4.4 million.</p> <p>Can you inform members what your plans are for this property and assure us that the taxpayer will benefit financially from this substantiate outlay?</p> <p>I am sure you will have noted that most city centre property owners are experiencing great difficulty at present in finding suitable tenants.</p>	Leader
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Response:

As you say, in June this year the council made a strategic purchase of the long leasehold interest held in respect of the Maylord Shopping Centre in order to secure outright ownership and control of the asset. Prior to the council taking control of this key site as the heart of the city centre, elements of the shopping centre had started to fall into disrepair with the previous owners looking to sell their interest. There was a significant risk that a new owner may only look to asset strip with no regard to what was in the best interest of the City and County.

I am confident that the local tax payer will benefit from this outlay. At the time of the acquisition the running and financing costs were well covered by the income. Nobody has a crystal ball so we do not have knowledge of the future, but indications so far are that the position can be maintained and is likely to improve as empty units are let and footfall increased. This brings additional income from a mixture of rents, service charge and local taxes. There are other less direct benefits to the taxpayer through giving businesses an opportunity to set up, opportunities for employment and making the place a more attractive place to shop, meet, eat and be entertained. These create social value which is difficult to measure in pure economic terms.

Every town and city centre across the country needs to consider how it can adapt to changing market circumstances, creating new opportunities to support their local economy. I think change is inevitable. In securing the site the council can ensure that Hereford has control of a key asset and so is well placed to respond to these challenges. With this free hand (which we did not have before) we are reviewing a wide range of options to regenerate this site to the benefit of the city centre as a whole. These are being considered alongside the development of the Stronger Towns plan which is due to be submitted early next year and has the potential to secure significant Government funding to support regeneration projects across the city.

As you say Cllr Matthews, the plight of many businesses in the City is a cause of considerable concern to us all. This is so not only economically but also socially with so many businesses being owned by individuals known to us and by business people who have spent many years building up their businesses. The Council is trying to do all it can. I would encourage the community to support these businesses by buying local whenever we can.

Supplementary question:

Have units in Maylords Orchard been let at an appropriate market rate or has the rent had been reduced to ensure they were occupied by tenants?

Leader's response:

It was confirmed that the previous owners had struggled to let units at the market rate. Each individual case was looked into and the intention was to occupy the units to show a vibrant project. The information would be provided after the meeting. Each unit that was occupied ensured rent, rates and a service charge which assisted the financial viability of the project. The social value of initiatives seeking a unit was considered and those with a wider community benefit were treated favourably.

Written response provided on 2 November

We are predominantly agreeing peppercorn rents in respect of the new lettings at Maylord, albeit the new tenancies tend to be short term or with break options. The objective is largely to mitigate costs in the current economic environment by way of at least making sure tenants pay service charge and overheads i.e. utilities and business rates. This approach is likely to be limited to locally owned businesses which add social value, and increase footfall within the area.

Chairman's Announcements – Council Meeting – 11th December 2020
Events attended by the Chairman since the last
Council meeting on 9th October 2020

20th October - Herefordshire Armed Forces Covenant Partnership Annual Review & Business Breakfast held virtually

21st October – Attended the funeral of Councillor Bernard Hunt, Hereford Crematorium

24th October – Reopening of Orleton Village Hall

4th November – Field of Remembrance, Hereford Cathedral

8th November – Remembrance Service, St Peter's Square, Hereford

11th November – Marking Remembrance Day, Hereford Railway Station

24th November - Herefordshire Federation of Women's Institutes AGM (virtual)

Chief Executive's Announcements – 11 December 2020

- Rebecca (Becky) Howell-Jones has been appointed as Acting Director of Public Health from 1 December.

Appendix – Decisions using emergency powers

All necessary decisions in cases of emergency

Under paragraph 3.7.9 of the constitution the chief executive is authorised to take necessary decisions in cases of emergency.

‘All necessary decisions’ includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental wellbeing of the county, its communities and individuals living, working or visiting, and to preserve property belonging to the council or others.

An emergency is defined as any situation in which the chief executive believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual, or that the interests of the council may be compromised.

In the chief executives scheme of delegation emergency decisions are delegated to the chief executive and directors. Before exercising this delegated authority any officer shall use their endeavours if, in their opinion, time or circumstances permit, to consult the Leader, or, in their absence, the appropriate cabinet member, and the chairman of the relevant scrutiny committee and in any case, inform them of their actions as soon as practicable.

There have been 2 emergencies in 2020: the February floods and the coronavirus pandemic. At the ordinary meeting on 17 July, the annual meeting on 11 September and the ordinary meeting on 9 October schedules of emergency decisions taken in response to these emergencies were presented.

Paragraph 15 of the chief executive scheme of delegation, requires that all emergency decisions taken by officers are reported to full Council at the next meeting, including the extent to which it has been necessary to operate outside the contract and financial procedure rules. Each decision contains an assessment of risk including finance, legal and equality considerations.

Below is a schedule of all necessary decisions in cases of emergency taken since the previous ordinary meeting of Council on 9 October 2020.

Covid-19 – July 2020

Record of officer decision - Outbreak Control measures – Covid-19

Decision Maker: Chief Executive

Date of decision: 11/07/2020 (published – 21/10/2020)

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7285&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7285&LLL=0)

Covid-19 – October 2020

Install temporary Covid 19 safety message signage in areas of heavily trafficked footways in Hereford City and the market towns of Leominster, Ross, Bromyard, Ledbury and Kington

Decision Maker: Director of Economy and Place

Date of decision: 23/10/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7287&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7287&LLL=0)

Decision to reimburse schools who fund the cost of up to £15 per week for free school meals during the October 2020 half term school holiday for one week and for the Christmas school holiday period for c.3,200 eligible children

Decision Maker: Director of Children and Families

Date of decision: 27/10/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7295&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7295&LLL=0)

Covid-19 – November 2020

Temporary closure of Herefordshire Archive & Records Centre (HARC), Hereford Museum & Art Gallery and Black & White House Museum

Decision Maker: Director of Economy and Place

Date of decision: 13/11/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7343&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7343&LLL=0)

To award time limited block purchase arrangements to adult care homes to meet additional residential Discharge to Assess (D2A) bed capacity requirements

Decision Maker: Director of Adults and Communities

Date of decision: 19/11/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7364&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7364&LLL=0)

Suspension of existing highways amenity licensing/pavement licensing (pavement café) activity in relation to the covid19 outbreak

Decision Maker: Director of Economy and Place

Date of decision: 26/11/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7377&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7377&LLL=0)

Suspension of non-essential Street Market activity in relation to the Covid - 19 outbreak

Decision Maker: Director of Economy and Place

Date of decision: 26/11/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7372&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7372&LLL=0)

Suspension of weddings and civil partnership ceremonies within Herefordshire due to new restrictions in relation to the covid-19 outbreak

Decision Maker: Director of Economy and Place

Date of decision: 27/11/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7378&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7378&LLL=0)

Covid-19 – December 2020

Decision to approve spending of the Covid 19 Winter Grant

Decision Maker: Chief finance officer

Date of decision: 01/12/2020

[http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7395&LLL=0,](http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?id=7395&LLL=0)



Meeting:	Council
Meeting date:	Friday 11 December 2020
Title of report:	Licensing Policy 2020-2025
Report by:	Cabinet Member Housing, Regulatory Services & Community Safety

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To review and approve the draft Licensing Policy 2020-2025 to be applied by the council when exercising its licensing functions under the Licensing Act 2003 (the Act). The current policy was approved in March 2015; that policy has been reviewed and refreshed to take account of new guidance issued by the Home Office under Section 182 of the Act.

Recommendation(s)

That:

1. the draft Licensing Policy appended to the report be approved: and
2. that authority be delegated to the Assistant Director Regulatory Environment and Waste to make any minor amendments to the statement of licensing policy, as and when required to be updated by legislation and guidance issued by government.

Alternative options

1. Not to approve the revised policy. This is not recommended as there is a requirement under the Act that the Licensing Authority has a Statement of Licensing Policy and a failure to have in place an updated policy would leave the Licensing Authority without any policy to guide its decision making process and would lead to delay.

2. To make further changes to the policy. This is not recommended as the draft policy has been subject to consultation and areas for improvement or change have been addressed.

Key considerations

3. Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
4. The previous policy appears to have been effective, as there have been few appeals to the Magistrates Court against any decision of the Licensing Sub-Committee.
5. The purpose of the policy is to ensure that the four licensing objectives are promoted within Herefordshire and this appears to have been effective in the past.
6. Whilst the policy itself remains largely unchanged, amendments have been made to reflect the requirements of the amended guidance issued to Licensing Authorities under Section 182 of the Act and to address any issues which have arisen over the preceding five years to provide clarity where required.
7. The biggest change is the removal of the council's Special Policy (Cumulative Impact Zone) because the council does not have the evidence to support its inclusion. This is probably due to the effect on the hospitality industry caused by COVID. There is the option to re-introduce it subsequently, if the need should arise.
8. Over the life of the policy, the effectiveness of the policy will be monitored to ensure that the licensing objectives are being promoted. This will be achieved by monitoring whether any issues are identified which affects these licensing objectives.
9. The new policy will be published on the website and has already been consulted on, so both the trade and our residents will already be aware of the proposed changes.

Community impact

10. The statement of licensing policy is likely to have some impact on the community. However, the council as Licensing Authority has a responsibility to promote the four licensing objectives of the prevention of crime and disorder, public safety, public nuisance and the protection of children from harm. This policy helps to promote this requirement.
11. The statement of licensing policy will ensure that businesses are aware of the expectations of the Licensing Authority in respect of the licensing of premises/persons under the Act. This will result in the promotion of the licensing objectives, as well as having a positive impact on the ambitions of the Council, as outlined in the County Plan 2020 - 2024, which are:
 - Environment: Protect and enhance our environment and keep Herefordshire a great place to live
 - Community: Strengthen communities to ensure everyone lives well and safely together
 - Economy: Support an economy which builds on the county's strengths and resources

12. By exercising the functions correctly in respect of the Act, an appropriate balance can be struck between the requirements to promote the four licensing objectives, whilst supporting the needs of legitimate business and the local economy.

Environmental Impact

13. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
14. Whilst this decision has minimal direct environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy. For example license conditions can be included to ensure that licensee premises are required to clear litter and tidy up the immediate surrounding area. In addition, through the change to the on-line application process, this has reduced paper usage.

Equality duty

15. The effects of this policy have been considered in relation to both the Equality Act 2010 and the Human Rights Act 1998. It will have little impact as:
 - a) The policy remains in essence the same as the previous one, with only minor amendments which are updating the policy, mainly as a result of guidance issued under Section 182 of the Act and
 - b) One of the Licensing Objectives under the Act is the protection of children from harm and the policy reflects this objective.
16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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

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

Resource implications

17. This report has no resource implications.

Legal implications

18. Section 5 of the Licensing Act 2003 (the Act) requires each licensing authority to publish a statement of licensing policy at least every 5 years. Before determining its policy a licensing authority is required by the Act to consult with the bodies listed in section 5 (3) of the Act.

- 19 The statement of licensing policy has been drafted and consulted on in accordance with the requirements of the Act.
- 20 The statement of licensing policy will be a relevant consideration in determining all applications for premises licences and club premises certificates, changes to licences, temporary event notices and personal licences.

Risk management

21. None associated with the recommendation. Failure to approve the statement of licensing policy could result in an application for Judicial Review being made, as the regulation of premises/persons licensed under the Act would have to be in the absence of an updated statement of licensing policy.
22. Should no policy be adopted then we would be in breach of the legislation which requires the council to have a statement of licensing a policy.

Consultees

23. The consultation period ran from 16 October to 20 November 2020.
24. In accordance with Section 5(3) of the Licensing Act 2003 the following have been consulted as statutory consultees:
 - (a) the chief officer of police for the licensing authority's area (West Mercia Police)
 - (b) the fire and rescue authority for that area, (Hereford and Worcester Fire and Rescue Service)
 - (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority
 - (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
 - (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.(Parish & Town Councils and Local Chamber of Commerce).

[Items (c) and (e) to (f) was achieved by sending out 865 emails to holders of these types of licence]. Twenty five letters were to clubs (d) as no email addresses were held.

25. In addition to the statutory consultees the following have also been consulted:
 - Environmental Health
 - Trading Standards
 - West Midlands Ambulance Service
 - Public health
 - Safeguarding and Review, Children and Families
 - Health and Safety Executive
 - Herefordshire Against Night time Disorder
 - Hereford BID
26. The consultation document was published on the council website.

27. Any responses from the consultation together with the response of the Licensing Authority, in relation to points raised, can be found in the table at Appendix 2.
28. All feedback has been responded to by email.

Appendices

- Appendix 1 - Draft Licensing Policy 2020-2025
Appendix 2 - Summary of major changes to policy
Appendix 3 - Table of consultation responses

Background papers

None Identified



The Licensing Act 2003

Herefordshire Council: Statement of Licensing Policy 2020/2025



Environmental Health & Trading Standards

COMING INTO EFFECT 11th December 2020

LICENSING SECTION

HEREFORDSHIRE COUNCIL

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FOREWORD BY COUNCILLOR ALAN SELDON, CHAIR OF THE LICENSING COMMITTEE

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

Over the preceding four policies the Act has continued to evolve and in some respect matters have become clearer whilst in others what appeared to be clear has been diluted through challenges through the legal system. We have seen an attempt by government to try and re-balance the Act though bringing about changes in the legislation. Further change has been brought about through de-regulation of those licensable activities, which are low risk such as live and recorded music to small audiences. It is encouraging to see that Hereford City and the market towns are still considered to be safe environments in which to socialise. I cannot help but feel that this has been achieved through the hard work of the various partnerships which are in place which are supported by the police and the Licensing Authority who endeavour to achieve the right balance in respect of all matters.

The scope of this Policy covers the following:

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

The purpose of the Statement is to set out the policies and procedures that Herefordshire Council will apply in relation to its functions under the Act, most particularly regarding applications for new licences, applications to vary existing licences, applications to review licences and Temporary Event Notices.

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

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

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

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

In particular, in reviewing its Licensing Policy Herefordshire Council considered whether there was still a need for a Cumulative Impact Policy in relation to Hereford City. In essence it was felt that prior to the COVID pandemic there was, but as premises are now struggling it appears the need no longer exists. However, should it be shown there is a need for such a policy in the future, it could be reintroduced.

We recognise the very positive contribution that well managed premises can make to Herefordshire Council's wider objectives through contributing to the economy and helping to tackle crime and disorder.

I cannot over emphasise the need for all parties to work together to achieve a balance in respect of all matters surrounding licensable activities, in the hope that the right balance can be achieved between the needs of business and of local residents. Indeed, experience has shown

that if parties communicate well, amicable solutions may be found to nearly all matters that have been in dispute. Certainly that is my aim and that of the sub- committee.

This Statement will be widely circulated and will be available at all times and will be published on the Council's website.

Section 1: Summary of Introduction

This explains that this Policy has been prepared in accordance with guidance, who the Licensing Authority is and what the aim of the Licensing Authority is.

1. INTRODUCTION

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and guidance issued under Section 182 of the Act by the Home Office.

The licensing authority is the 'The County of Herefordshire District *Council*' which shall be referred to as "Herefordshire Council".

Herefordshire Council (in its role as Licensing Authority) is responsible for the licensing of regulated activities under the Licensing Act 2003. This document sets out the principles that the Licensing Authority will apply when making decisions.

The Licensing Authority's aim is for the licensing process to allow the retail sale/supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment, in a way which ensures compliance with the objectives of the Act, which is not to the detriment of residents, nor gives rise to loss of amenity.

It is the Licensing Authority's aim to facilitate this through the licensing process by well run and managed premises. It is expected that licence holders will demonstrate and take action to ensure that the use of their premises will not be to the detriment of any of the licensing objectives. Whilst licensing may not be considered a mechanism for the general control of anti-social behaviour by individuals beyond the direct control of the Premises Licence holder or Club Premises Certificate holder, it is recognised that issues such as anti-social behaviour may be as the direct result of the operation of the premises. Apart from the licensing process, there are a

number of other mechanisms which could be used to address issues of unruly behaviour. Such mechanisms may include:-

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Best Bar None, Pubwatch or BIDs;
- Community Protection Notices;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises on the grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate;
- Early Morning Alcohol Restriction Orders (EMROs)
- late night levy
- under-age test purchasing

However, this Licensing Authority realises that the above measures may not be sufficient to deal with the promotion of the licensing objectives in relation to a particular licensed premises and may look to the Licensing Act to achieve this.

The Licensing Authority recognises that the licensed entertainment business sector and community licensed facilities in Herefordshire contribute to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. They are a factor in supporting an economy which builds on the county's strengths and resources, which is one of Herefordshire Council's aims.

Herefordshire is a mixed commercial and residential area, with many areas lying in tranquil rural surroundings, whose amenity Herefordshire Council has a duty to protect, and one of Herefordshire Council's aims is to protect and enhance our environment and keep Herefordshire a great place to live. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.

This policy will set out the general approach that the Licensing Authority will take when it considers opposed applications or notices. It will not undermine the right of any individual to apply for a variety of permissions nor undermine the right to have any such application considered on its individual merits. Nor will it override the right of any 'responsible authority' or 'any other person' to make relevant representations on an application or seek a review of a licence where provision has been made for them to do so in the Act.

This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications or notices, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the county and the responsible authorities, of the Licensing Authorities expectations.

Every opposed application will be determined on its own merits following the Licensing Sub- committee having considered all the evidence, both written and oral, in relation to the application.

The Licensing Authority consider the police to be their main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

It is not the purpose of this Policy to reiterate the specific provisions of the Act or the Regulations made thereunder or reiterate the legal complexities of the legislation, unless it is considered appropriate to do so.

Section 2: Summary of Scope of Policy

This section explains what the Policy covers

2 SCOPE OF THIS POLICY

The County of Herefordshire District Council is the Licensing Authority responsible for the authorising of licensable activities, the issue of personal licences, and other matters set out in the Licensing Act 2003 (“the Act”) in the county. This document sets out the principles that the Licensing Authority will apply when making decisions upon applications, notices and other authorisations relating to:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- Regulated entertainment
- The provision of late night refreshment being the supply of hot food or drink from a premises (other than a premise with a Club Premise Certificate or other lawfully exempt premises) between 11.00 pm and 05.00 am.

Regulated entertainment in certain circumstances may require a licence or authorisation (unless exempted by the Act or due to de-regulation) when it is performed in front of an audience and includes the following:

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment (indoors and outdoors)
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

The Act sets out four main licensing objectives which the Licensing Authority has a duty to promote in determining applications:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Each of the objectives is considered to be of equal importance.

This Policy shall apply in respect of any new consents, renewals, transfers, variations, reviews and such other notices or authorisations that may be required in relation to:-

- Premises Licence
- Club Premises Certificates
- Provisional Statements

And where appropriate:-

- Personal Licences
- Temporary Event Notices
- Such other applications, authorisations or notices (e.g. interim authorities) as are required under the Act.

Section 3: Summary of Policy Consultation and Review

This section states who was consulted and when the policy will be reviewed.

3 POLICY CONSULTATION AND REVIEW

This Policy will take effect from 11th December 2020 and will be subject to a 5 yearly review or sooner if necessary.

In developing its policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted included those specified in Section 5(3) of the Act i.e; -

- the chief officer of police for West Mercia;
- Hereford & Worcester fire and rescue authority;
- local premises licence holders;
- local club premises certificate holders;
- local personal licence holders; and
- Hereford BID
- Herefordshire Against Night-time Disorder (HAND)
- Parish & Town Councils

Public consultation has also taken place through the Herefordshire Council Web site.

In addition, the authority has consulted:

- Children and Families Safeguarding
- Hereford & Worcester Ambulance Service
- Wye Valley NHS Trust
- Herefordshire Safeguarding Board Director of Public Health for Herefordshire

Comments were invited and all comments received via this consultation process were considered by the Licensing Authority.

The Licensing Authority has also taken into account the guidance issued by the Home Office under section 182 of the Act regarding licensing policies.

Section 4: Summary of Determinations of Applications

This section explains how applications will be determined and explains that the Authority can depart from this policy when it considers it correct and appropriate.

4.0 DETERMINATIONS OF APPLICATIONS

When determining applications, authorisations and notices that have attracted relevant representations, this Licensing Authority will normally work within the framework of this Policy and also take into account the Guidance issued by the Home Office under section 182 of the Act. However, this Licensing Authority reserves the right to depart from this Policy and the Guidance whenever it considers it correct and appropriate to do so.

If, during the period of this Policy, new Guidance is issued by the Government such Guidance will be taken into account by the Licensing Authority even if it is not yet referred to in the Policy.

When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application without regard to this Policy. The only exceptions to this are applications for:

- The review of a Premises Licence or Club Premises Certificate;
- A minor variation of a Premises Licence or Club Premises Certificate;
- An application for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be dispensed with for a community premises

All opposed applications will be determined by the Licensing Authority's Licensing Sub-committee.

Section 5: Summary of Administration, Exercise and Delegation

This section sets out how decisions are made and who will make the decision.

5 ADMINISTRATION, EXERCISE AND DELEGATION

5.1 Licensing decisions and functions

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Sub-committee to administer them. The powers under the Act also allows for delegation of powers/functions to one or more officers.

As many of the decisions will be largely administrative it is anticipated that in the interests of speed, efficiency, and cost effectiveness on many occasions they will be made by officers. The appropriate licensing sub-committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation. The Licensing Sub-committee has power to grant licences and permissions includes the power to vary, refuse, suspend or revoke such licences or permission and the power to impose conditions. The terms of delegation of licensing functions are set out below.

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If the police object	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made

Application to vary designated premise licence holder	If the police object	All other cases
Request to be removed as designated premise licence holder		All cases
Application for transfer of premises licence	If the police object	All other cases
Applications for Interim Authorities	If the police object	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexations etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a police or Environmental Health representation to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence conditions	If the police object	All other cases
Decision whether to consult other responsible authorities on a minor variation		All cases
Determination of a Minor Variation		All cases

5.2 Applications where there are relevant representations will be dealt with by the Licensing Sub-committee, unless:

(a) such representations are from 'any other person' and are considered to be irrelevant, frivolous or vexatious, or

(b) the Licensing Authority, the applicant and everyone who has made relevant representations agrees that a hearing is not necessary

With regard to point (b) above, the Licensing Authority reserves the right to disagree that a hearing is not necessary.

5.3 If a Licensing Sub-Committee hearing is required under the Act in respect of an application, the hearing will be in public unless there are compelling reasons for it to be heard otherwise. When a hearing is held in public, the Licensing Sub-committee can retire into private session to consider their decision. Opposed applications for personal licences will normally be held in a private session.

5.4 Where a police request is made that a hearing in relation to an expedited review, will provide information which may affect the outcome of natural justice, then such hearing may be held in private.

5.5 Where a matter is appearing before the Licensing Sub-committee and an applicant decides to amend their application prior to the hearing then the Committee clerk should be informed prior to the commencement of the hearing so that the Licensing Sub-committee are afforded the necessary time to consider it.

Section 6: Summary of Responsible Authorities, and any other Person and Representations

This section sets out who the responsible authorities are and how members of the public can make representation. It also gives guidance in respect of making a relevant representation.

6. RESPONSIBLE AUTHORITIES, ANY OTHER PERSON AND REPRESENTATIONS

6.1 The Act sets out the responsible authorities that can make representations about licence applications, or who can apply for a review of an existing licence. In Herefordshire these are:

- West Mercia Police
- Hereford and Worcester Fire and Rescue
- Herefordshire Council Environmental Health (Commercial)
- Herefordshire Council Environmental Health (Pollution)
- Herefordshire Council Trading Standards
- Herefordshire Council Safeguarding and Vulnerable Team
- Herefordshire Council Planning Department
- Health and Safety Executive
- Wye Valley NHS Trust
- Public Health
- Herefordshire Council Licensing Team
- And any other body or person that may be prescribed by regulations at a later date.

A current list of responsible authorities and their addresses can be obtained from Herefordshire Council's Licensing Team.

6.2 Representations can be made by any other person. Any person may also apply for a review of a Premises Licence or a Club Premises Certificate.

6.3 The responsible authorities and any other person can make representations about:

- Applications for a new Premises Licence
- Applications for the variation of an existing Premises Licence
- Applications for a new Club Premises Certificate
- Applications for the variations of an existing Club Premises Certificate
- Applications for a Provisional Statement
- Review applications

6.4 All representations must be ‘relevant’, for example they must be about the likely effect of the grant of an application on the promotion of one or more of the licensing objectives of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Where a representation is made by a person who is not a responsible authority, the Licensing Authority may reject representations that it considers to be irrelevant, frivolous, vexatious or repetitious.

6.5 It is important to note that responsible authorities or any other person may make representations on any of the four licensing objectives (for example the Fire Brigade could make representations about crime at a premises or Trading Standards on the basis of public nuisance).

6.6 Relevant Representation

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives and the steps proposed by the applicant to promote the licensing objectives are considered to be inadequate. In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to

produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

6.7 The case *R (Hope and Glory Public House Ltd) v City of Westminster Magistrates Court* [2011] EWCA Civ 31 established the fact that a representation made in relation to public nuisance must be more than a private nuisance and that a single person is incapable in law of constituting "the public" for the purposes of satisfying the test of "public nuisance" pertinent to the licensing objective.

6.8 Furthermore, where only one public representation is received in respect of the public nuisance licensing objective, then this too will be deemed not to be relevant on the grounds that it is a private nuisance. However, in such a circumstance the licensing service will refer a single complainant to the environmental health service for investigation as a potential statutory nuisance.

6.9 Applications for the review of an existing Premises Licence or Club Premises Certificate can be made by a responsible authorities or any other person but the reason for the calling of the review must address one or more of the four licensing objectives.

6.10 Only the Police can make representations about applications for:

- Transfers of premises licences,
- Variations to change the Designated Premises Supervisors at a premises,
- Applications for personal licences and,
- Interim authority notices

In above cases, the representations from the Police have to be restricted to the licensing objective of the prevention of crime and disorder.

6.11 The police or an Environmental Health Officer may make representation about a Temporary Event Notice.

6.12 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. In the cases of applications for new Premises Licences/Club Premises Certificate and variations, the deadline for receipt of any representation and the address that they must be sent to will be shown on a notice(s) displayed at the premises and in a notice placed in a local newspaper by the applicant.

6.13 When considering applications for new, or variations (under sections 34 and 84 of the Act) to existing Premises Licences /Club Premises Certificates the responsible authorities and any other person should consider the adequacy of any measures, intended by the applicant, to deal with any potential for public nuisance, crime and disorder, public safety, and the protection of children from harm. Any such proposed measures should be included in the application form submitted to the Licensing Authority by the applicant. If any responsible authority or any other person is not satisfied with any of the proposed measures they may make representations against the application to the Licensing Authority.

6.14 Applications for 'minor' variations under section 41A or section 86A of the Act do not have to include details of the steps that the applicant intends to take to promote the licensing objectives. Nor can the Licensing Authority convert any intended steps that may be included in the application into additional licence conditions, unless they are offered within the application as conditions. It is recommended that:

- Applicants take this into account when applying for a 'minor' variation in relation to the receipt of any representations against the applications, and
- The responsible authorities and any other person also take this into account when considering whether the application will have any effect on the licensing objectives.

NB: It is important for applicants, responsible authorities and any other person to note that the Licensing Authority may only grant this type of

application in its entirety or they must completely refuse it. Any agreements (e.g. concerning additional conditions) made between the applicant and those making representations are of no effect under the Act and cannot be taken into account when the Licensing Authority makes its determination on the application.

- 6.15** The Licensing Authority will not remove any personal details from representation made by members of the public, unless either requested in writing to do so, or if the Licensing Authority feel that by disclosing the person's details, natural justice may be affected.

Section 7: Summary of Application Consultation

This section explains the application process and the procedures which should be followed to make a successful application.

7 APPLICATION CONSULTATION

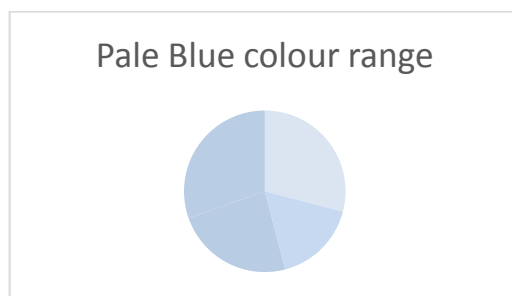
- 7.1** The aim of consultation is to provide the opportunity for any other person to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made there under.
- 7.2** The Act itself is sometimes confusing and misleading. To overcome problems associated with different types of applications the Licensing Authority has put in place various processes.
- 7.3** An application for a new/variation to a premises licence or a new/variation to a club premises certificate requires the applicant to advertise on the premises (during the consultation period). The act also requires an applicant to advertise in a local newspaper or where there is not a local newspaper a publication which is circulated in the immediate vicinity of the premises.
- 7.4** The act also requires that the applicant satisfies the Licensing Authority that they have complied with the legislation in respect of the notices, the requirements for which are laid out in the regulations.
- 7.5** No licence will be issued until the Licensing Authority is in receipt of the newspaper advert. The onus is on the applicant to supply this prior to the end of the consultation period. Any delay by the applicant will result in a delay in issuing the licence.
- 7.6** In respect of the notices to be displayed at the premises, again the onus is on the applicant to demonstrate to the Licensing Authority that the regulations have been complied with. The Licensing Authority requires evidence to demonstrate that the notices have been in place for the required time and in the correct locations. Whilst the method of evidencing

compliance rests with the applicant, photographic evidence will only be accepted if it correctly dated within the required period. It is suggested that evidence should be dated on the first, last and at weekly periods throughout the period. This evidence will not be checked until the 28 day consultation period has concluded as the authority must be satisfied that the requirement includes the full period.

7.7 Where an applicant decides to amend their application prior to the end of the consultation period then the Licensing Authority requires the applicant to amend the site notice and their application form to reflect this.

7.8 Prior to the consultation process, the applicant should inform the Licensing Authority where they propose to place the notices so that the Licensing Authority are satisfied that members of the public will see them. For the avoidance of doubt, a clear location map/plan should show the proposed locations of notices, particularly for those premises which require additional notices, due to the size of the premises being applied for.

7.9 In accordance with the guidance the Licensing Authority reserves the right to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed on pale blue paper and include relevant and accurate information. Pale blue is defined within the chart below:



7.10 The consultation period commences on the day after a **completed** application was given to the Licensing Authority. (Completed means that no information is missing from the application or the plan and the correct fee and required documents have been received).

7.11 The term used within the act is 'was given' to the Licensing Authority. An application is only given to the Licensing Authority when it is received by them. Sometimes an application will be delayed by post and where this

occurs the terms under the Interpretation Act 1978 will be applied which states that a letter sent by first class mail is deemed to be delivered on the second working day after posting. (For example: Where an application is posted on a Tuesday then it is deemed delivered not on Wednesday but on Thursday. For this reason the Licensing Authority will keep all envelopes used to post applications).

7.12 The Licensing Authority will also confirm in writing to the applicant the date that the 28 day period will start and the date which must appear in an advertisement.

7.13 To avoid additional cost, applicants are advised not to advertise in a local newspaper until such time as they have been informed by the Licensing Authority that the application has been accepted.

7.14 Where an application is submitted and found to be defective, the Licensing Authority will always try and contact the applicant by phone to advise of the deficiency and the required action. However, it may not always be possible to speak to the applicant. Where this has not been possible the Licensing Authority will return the application together with a written explanation of what action is required to make the application complete.

7.15 Only once an application is complete can the consultation period commence.

7.16 There is no discretion over the application process under the Act and applicants should therefore consult the regulations which cover the application process [The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005].

7.17 Where an application is found to be defective after the consultation period has started the applicant will be informed. The applicant can then either wait for the end of the consultation period in which case their application will not be determined or can withdraw the application.

- 7.18** Any further application submitted will attract the full fee and no refunds will be given.
- 7.19** An event organiser can give notification to the Licensing Authority, the Environmental Health Officer and the Police of an event where there will be less than 500 people by way of a Temporary Event Notice (TEN), but this notice must be made no later than 10 working days before the event. This period does not include the day the application is received nor the day on which the event is to start; there no discretion available to shorten this notice period.
- 7.20** It is also possible to apply for a Temporary Event Notice up to 5 days prior to the event (Late Temporary Event Notice). However, this can be a risky process because if either the police or the Environmental Health Officer object, where they feel that the Licensing Objectives may not be promoted, the notice is automatically refused.
- 7.21** The Police or Environmental Health Officer may object to the event taking place or agree a modification of the temporary event notice. Notice may be given in advance of the minimum requirement and this is encouraged. The police have a preferred contact point for the submission of TENs which is The Licensing Unit, West Mercia Constabulary, Bath Street, Hereford, HR1 2HT, Tel: 0300 333 3000.They will also accept service by email to: licensing.herefordshire@westmercia.pnn.police.uk
- 7.22** Where a TEN is given and found to be defective or for some reason the event does not take place, no refund will be given. The Licensing Authority will not permit a TEN to be moved to different date.
- 7.23** The Licensing Authority recommends that Applicants who intend to hold large one-off events to consider making application for a premises licence at least 3 months prior to the event, to allow sufficient time for the licence to be determined. Although the earlier the better.

- 7.24** The Licensing Authority will make copies of applications for a new/variation of a premises licence or club premises certificate available for inspection by the public, by publishing them on the website.
- 7.25** The authority also have a public register for TEN's and other licences issued under the Act.

Section 8: Summary of premises Licences

This section explains that new applications should contain sufficient details and gives guidance in respect of matters which should be considered when making an application. It also covers applications made in relation to variations to premises licences, change of DPS, Wholesale of Alcohol, Internet and mail order sales, Regulated Entertainment, Late Night Refreshment, Bingo Clubs, Petrol Stations, Vehicles and Moveable Structures, Vessels and Ships, Sports Grounds and Hotel Mini Bars

8 PREMISES LICENCES

8.1 New Applications

It is expected that prior to making an application an applicant will contact the responsible authorities before submitting their operating schedule with their application.

8.2 The applicant should also make contact with local residents who may be affected by the application before formulating their applications so that dialogue can be begun before the statutory time limits come into effect after submission of an application.

8.3 The application form should include sufficient information to enable the Licensing Authority, any other person and any responsible authority to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area and are expected to make it clear why the steps they are proposing are appropriate for the premises. A description of the business to be conducted on the premises must also be included in the application form.

8.4 The Licensing Authority requires applicants, to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physically environment crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

- any risk posed to the local area by the applicant's proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.5 Where an application is made for live or recorded music, on a premises licence, an applicant is required to state the maximum capacity of the premises, as this is relevant in respect of whether the activity applied for is licensable and whether conditions may be required to promote the licensing objectives.

8.6 In addition to the requirements under the legislation in respect of plans, the Licensing Authority requires applicants to show on their plan the location of CCTV cameras and the area of coverage.

8.7 Where alcohol is to be sold for consumption on the premises it would be helpful to know the extent of seating and the type of activities available on the premises whether licensable under the Act or not.

8.8 Full details of information required in the application form include:-

- Relevant licensable activities to be conducted on the premises
- Times/days of the week including holiday periods or different times of the year that the activities are to take place.
- Any other times when the premises is open to the public
- Where the licence is required for a limited period, that period
- If the activities include the supply of alcohol, the name and address of the designated premises supervisor
- If alcohol is to be supplied, if it is to be consumed on/off the premises or both
- If adult entertainment or services of any description (whether licensable or not) are to be provided at the premises, full details must be given

- The steps the applicant proposes to promote the Licensing Objectives particularly the steps to be taken to protect children from harm when on the premises.
- The applicant will be expected to undertake a thorough risk assessment with regard to each of the Licensing Objectives when preparing their applications and specify the steps that they will take to promote the Licensing Objectives.

8.9 Applicants are recommended to acquaint themselves with:

- The contents of this Policy dealing with the four licensing objectives
- The Guidance issued by the Home Office under section 182 of the Act and other guidance available on Government websites
- Herefordshire Council 'Pool of Model Conditions'.

8.10 The Licensing Authority will expect Operating Schedules to satisfactorily address the issues of the Licensing Objectives, from the design of the premises through to the daily operation of the business.

8.11 Particular consideration will be given to the following:

- Safety arrangements e.g. premises must be constructed or adapted in such a way that they are safe and appropriate and have a safe capacity assessment etc.
- The steps that will be taken to prevent the underage sale of alcohol
- The steps the applicant has taken or proposes to take to prevent public nuisance. Such steps may include the management of customers' behaviour, installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- What measures will be taken to prevent disorder and nuisance and to also secure public safety e.g. the use of CCTV, the employment of registered door supervisors, means of access/exit, types of drinking utensils used such as glass, plastic, no bottles etc.

- The measures proposed to prevent the consumption or supply of illegal drugs, possession of offensive weapons including any search procedures and entry policies.
- The likelihood of any public disorder, violence or other alcohol related crime arising if a licence were to be granted.

8.12 Variations to existing Premises Licences

The holder of an existing Premises licence may apply for a variation of the licence (e.g. to change the licensed hours or activities) under either section 34 of the Act ('full variations') or in the case of 'minor' variations under section 41A of the Act. For a 'full' variation the applicant is expected to complete the application form with the steps they intend to take to promote the licensing objectives.

8.13 The Licensing Authority expects an applicant for a variation to look at the current conditions attached to their premises licence to establish whether the licence is still fit for purpose. Any conditions on the existing licence should meet the following and are:

- appropriate for the promotion of the licensing objectives
- enforceable
- unequivocal/unambiguous
- proportionate and
- do not duplicate other statutory provisions

8.14 Where they do not meet these criteria the applicant is expected to offer conditions which do. A model pool of conditions can be found on our website at <http://www.herefordshire.gov.uk/docs/Conditions.doc>

8.15 In addition, the applicant is also expected to consider and cover all of the requirements shown above under new applications.

8.16 Designated Premises Supervisor

Where a premises sells alcohol, a Personal Licence holder will be identified in the Premises Licence as the Designated Premises Supervisor for the

premises. This is to ensure that there is always one specified individual who can be readily identified for the day to day running of the premises.

8.17 Where the Designated Premises Supervisor is not available for a significant period of time (e.g. on holiday) they should nominate in writing somebody who is authorised to act on behalf Designated Premises Supervisor, as a point of contact.

8.18 It is expected that there shall be on site, a written authorisation, from either the Designated Premises Supervisor or a Personal Licence Holder allowing other members of staff to sell alcohol on their behalf. This is to meet with the mandatory condition.

8.19 Community premises can apply to have the requirement for a Designated Premises Supervisor removed from their premises licence.

8.20 Wholesale of Alcohol

The wholesale of alcohol to the public is a licensable activity under the Act and a Premises Licence and a Designated Premises Supervisor will be needed where such transactions take place.

8.21 Internet and mail order sales

A Premises Licence will be required for the warehouse/storage facility of the alcohol, when the alcohol is delivered/dispached from that place to the public. However, the call centre where the order was placed would not be licensable. The Operating Schedule must include procedures for ensuring that sales of alcohol are not made to persons under the statutory age limit (currently 18 years of age).

8.22 Delivery Services

Persons who run premises providing 'alcohol delivery services' should notify the Licensing Authority that they are operating such a service in their Operating Schedule. This ensures that the Licensing Authority can properly consider what conditions are appropriate. Premises with an existing premises

licence, which choose to operate such a service in addition to their existing licensable activities, should contact the Licensing Authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

8.23 Regulated Entertainment

Regulated entertainment will require (subject to certain exemptions) a Premises Licence, a Club Premises certificate or a Temporary Event Notice.

The forms of regulated entertainment are: -

Performance of a play

Exhibition of a film

Indoor sporting event

Boxing or wrestling entertainment (indoors and outdoors)

Performance of live music

Playing of recorded music

Performance of dance

Entertainment of a similar description to the performance of live music and/or the playing of recorded music and/or the performance of dance.

8.24 Late Night Refreshment

The provision of hot food and/or hot drink for consumption either on or off the premises is licensable under the Act from the hours of 11.00 pm and until 5.00 am.

Some premises are exempt from this licensing requirement:

- clubs, serving hot food and hot drink only to their members
- hotels, or comparable premises, serving hot food and hot drink only to those who will be staying at the hotel that night
- premises serving hot food and hot drink only to their own employees
- premises serving hot food and hot drink only to guests of those falling in the categories outlined above.

8.25 Bingo Clubs

Where activities which are licensable under the Act are carried out in Bingo Clubs the conditions imposed will apply alongside those conditions imposed under the Gambling Act 2005.

8.26 Petrol Stations

There are restrictions of the sale of alcohol from petrol stations. The Licensing Authority requires an applicant to demonstrate the primary use of the premises in order to establish whether the premises licence should be granted or rejected. For existing premises an applicant will be required to supply the data to demonstrate that the primary use of the premises is not a garage. Each case will be judged on the individual circumstances of the application.

8.27 Vehicles and Moveable Structures

The sale of alcohol or the carrying out of other licensable activities from vehicles/moveable structures may only be carried out from a premises or site which holds a Premises Licence. It should also be noted that the provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle whilst it is in motion and not permanently or temporarily parked is not to be regarded as a regulated entertainment for the purposes of the Act. For example, a band performing on a moving float in a parade would not require a premises licence if performances only take place while the vehicle is in motion.

8.28 Vessels and Ships

Vessels or ships are licensable by the licensing authority where they are usually moored.

8.29 Sports Grounds

On premises that are subject to the Safety at Sports Ground Act 1975 requirements, the Safety Certificate issued for the premises will normally take precedence over the licence conditions relating to safety whilst the premises is in use under the Safety Certificate.

8.30 Hotel Mini Bars

Hotels that have mini bars in their rooms will have to ensure and demonstrate that they have put adequate measures in place to ensure that alcohol cannot be obtained by underage persons.

Section 9: Summary of Club Premises Certificates

This section deals with the application for Club Premises Certificates and the rules in relation to Clubs.

9 CLUB PREMISES CERTIFICATES

- 9.1** A 'Qualifying Club' may apply for a Premises Certificate. The Act stipulates the requirements of a 'Qualifying Club' are as specified in Sections 61-64 of the Act. The club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. The Licensing Authority must be satisfied these conditions have been met, including evidence to support that any gain from its activities is applied for the benefit of the club and its members and that there is a minimum of 48 hours delay between application and the acceptance of new members. The Club must have a minimum of 25 members.
- 9.2.** In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required, and there is no requirement to specify a Designated Premises Supervisor as there are technically no retail sales of alcohol.
- 9.3** The Licensing Authority will require the Club Secretary's current contact details to be readily available.
- 9.4** The procedures, guidance and this Policy in relation to Club Premise Certificates are identical to that for Premises Licences.

Section 10: Summary of Provisional Statements

This section deals with the application for a Provisional Statement.

10. PROVISIONAL STATEMENTS

10.1 Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.

10.2 This Policy applies to Provisional Statements in exactly the same way as to Premises Licences. Before premises with a Provisional Statement may be used for Licensable Activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

10.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it were a Premises Licence or the application may be refused by the Licensing Authority.

Section 11: Summary of Conditions on Premises Licences and Club Premises Certificates

This section explains about the mandatory conditions and the power to attach further conditions.

11 CONDITIONS ON PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

11.1 The Act sets out mandatory conditions that are applicable to Premises Licences and Club Premises Certificates according to the activities that they are authorised for.

11.2 The Licensing Authority may impose additional conditions as a result of representations against a licence. Each case will be on its own merits and any additional conditions will be appropriate to the nature of the activities and hours applied for and shall reflect the four licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. When no representations have been received against an application, the Licensing Authority reserves the right to convert the steps that an applicant has put into their application, into licence conditions whenever such conditions are appropriate to the Licensing Objectives. The Licensing Authority will normally take these from their model pool of conditions which can be found on our website (<http://www.herefordshire.gov.uk/docs/Conditions.doc>).

11.3 The additional conditions that may be attached to licences and certificates upon consideration of relevant representations will be tailored to the individual circumstances and characteristics of the premises and events concerned to meet the Licensing Objectives. For example, conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels.

11.4 Apart from being able to impose additional conditions, the Licensing Authority has the power to refuse applications in their entirety.

Section 12: Summary of Film Classification

This section explains that, other than in exceptional circumstances, the Licensing Authority will expect films to have a British Board of Film Classification.

12 FILM CLASSIFICATION

12.1 The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or in exceptional circumstances this Licensing Authority).

12.2 This Licensing Authority agrees with the recommendation of the Secretary of State that licensing authorities should not duplicate the role of the British Board of Film Classification by choosing to classify films themselves. The classifications recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of the Licensing Authority.

12.3 If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of Premises Licences that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

12.4 Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the

auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

- 12.5** Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of the children present, having regard to the official age classification of the work given by the British Board of Film Classification.

Section 13: Summary of Hours of Licensed Activities

This section sets out how applicants are advised to apply for the hours which they will use and how they must have consideration to the impact they may have on the Licensing Objectives. Where appropriate following representation, the Licensing Authority may curtail the hours applied for.

13 HOURS OF LICENSED ACTIVITIES

- 13.1** Applicants are advised, prior to making an application, to carefully consider the licensed hours that they require and the impact these hours may have on any of the Licensing Objectives. They should include details in the application form of the steps that they propose to take to ensure the proposed licensed hours do not cause problems in relation to the licensing objectives.
- 13.2** In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times, the Licensing Authority will give consideration to how the applicant will achieve the Licensing Objectives and the representations made against such hours.
- 13.3** Each case will be decided on its own merits based on whether the Licensing Objectives can be met. Stricter conditions, including limiting licensed hours, are likely to apply to premises when the applicant is unable to demonstrate that the hours required would not be detrimental to the Licensing Objectives.
- 13.4** Limitations on operating hours may be imposed as appropriate upon consideration of representations for example, in the case of premises known to be a focus of disorder, nuisance, disturbance or people engaging in anti-social behaviour.
- 13.5** In relation to shops and other retail outlets supplying alcohol for consumption off the premises, whilst the general policy will be to allow sales of alcohol at all times that the premises is open for business, this Licensing Authority recognises that any particular application may have to be refused

or hours may have to be restricted in order for the licensing objectives to be achieved.

- 13.6** Each case will be decided on its own merits based on whether the Licensing Objectives can be met. Stricter conditions including limiting licensed hours are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.

Section 14: Summary of Personal Licences

This section deals with the application process in respect of personal licences and states that, other than in exceptional circumstances, the Licensing Authority will uphold any representation made by the police.

14 PERSONAL LICENCES

- 14.1** Personal licences allow a person to sell alcohol and authorise another person to sell alcohol on their behalf. The place where the sale takes place must have a premises licence and a Designated Premises Supervisor.
- 14.2** The Licensing Authority has to grant a personal licence whenever the application meets the statutory requirements. The only exemption is when an applicant has an unspent relevant conviction for any relevant offence, or foreign offence as defined in Schedule 4 the Act.
- 14.3** In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence or foreign offence, applicants will be required to produce a current Disclosure and Barring Service (DBS) Check. A declaration is also required stating that an applicant has no relevant convictions for any relevant offences stipulated in schedule 4 of the Act.
- 14.4** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence as defined in the Act. Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence, the Police may object to the grant of the licence.
- 14.5** If an objection to an application is made by the Police, the matter will be referred to the Licensing Sub-committee for a decision. The refusal of the application will be the normal course of action, unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances that justify granting the application.

Section 15: Summary of Temporary Events Notices

This section deals with Temporary Event Notices and their application process.

15 TEMPORARY EVENT NOTICES

15.1 A Temporary Event Notice (TEN) must be submitted to the Licensing Authority when a person wishes to provide licensable activities at an event and;

- the premises does not have the benefit of a Premises Licence or Club Premises Certificate, or
- the premises does not have an appropriate Premises Licence or Club Premises Certificate for the event, or
- they do not wish to use any existing Premises Licence or Club Premises Certificate for the event

15.2 There are limitations and strict procedures for TENs. There are 2 types of TENs, a 'standard TEN' and a 'late TEN'. Both the Police and Environmental Health can object to a TEN under any of the four licensing objectives.

A 'Standard TEN' is one which is given at least 10 working days before the event.

A 'Late TEN' is one which is given between 9 and 5 working days before the event.

15.3 The following is applicable to all TENS.

- a. The period for service of the notice excludes the working day on which the notice is received by the Licensing Authority and Police and the day of the event. Applicants should note that it is unlawful for the Licensing Authority to accept a TEN outside of this time.
- b. The number of people attending the event cannot exceed 499 at any one time.
- c. The duration of the event must not exceed 168 hours (7 days).
- d. The same premises cannot be used for more than 12 occasions per calendar year and the aggregate number of days must not exceed 21 days.

- e. A Personal Licence holder may only submit a maximum of 50 TENS per year.
- f. A person who does not hold a Personal Licence is limited to 5 TENS per year.
- g. A Personal Licence holder can only apply for 10 'Late TENS' per year and 5 for non-personal licence holders.

15.4 Where a 'Standard TEN' is applied for and the premises is covered by a Premises Licence and when the Police or the Environmental Health Officer have objected to the TEN, then in these circumstances they can request that the current conditions as shown on the Premises Licence be placed on the TEN.

15.5 Where there is no Premises Licence and the Police or EHO object then the decision in respect of whether the event goes ahead will rest with the Licensing Sub-committee as the TEN cannot be conditioned.

15.6 Where an objection notice is issued for a 'Late TEN' then the Licensing Authority must issue a counter notice which stops the TEN.

15.7 Where an objection is made, in relation to a 'standard TEN', the Licensing Sub-committee will decide whether or not a Counter Notice should be issued to cancel the TEN after hearing the representations and evidence from either the Police or Environmental Health Officer and the giver of the TEN.

15.8 The Police or Environmental Health Officer have a period of 3 working days to issue an objection notice if they consider the crime prevention objective will be undermined.

Section 16: Summary of Appeals

This section advises of the right to appeal decisions.

16 APPEALS

The Act sets out the rights of the different parties to an application to appeal to the Magistrates Court against certain decisions of the Licensing Authority. Such parties will be formally advised of their rights of appeal after the Licensing Authority reaches its decision.

Section 17: Summary of Reviews and Complaints about Licensed Premises

This section explains who can call for a review of a premises licence and that The Licensing Authority will have expected the premises licence holder to have been consulted prior to the review being called. This section also deals with the action that the authority will take in respect of test purchases.

17 REVIEWS AND COMPLAINTS ABOUT LICENSED PREMISES.

17.1 Reviews represent a key protection for the community. Where the Licensing Authority considers action necessary under its statutory powers it will take appropriate steps to support the Licensing Objectives.

17.2 If a premises has an existing Premises Licence or Club Premises Certificate, a responsible authority or any other party may apply to the Licensing Authority for a review of a Premises Licence or Club Premises Certificate. Once a review application has been lodged with the Licensing Authority, any other responsible authority or any other party may make representations (within the legal deadline) to the Licensing Authority in relation to the premises. The Licence Holder of the premises may make representations against the review application. Review applications and subsequent representations can only be made on the grounds of one or more of the licensing objectives.

17.3 Review applications will be heard by the Licensing Authority's Licensing Sub-Committee, who will determine the outcome of the Premises Licence/Club Premises Certificate after hearing and considering the application and the representations for and against it. Each case will be decided on its own merits, and the Licensing Authority may take several courses of action (e.g. take no action, revoke the licence, suspend the licence, reduce the licensed hours, remove the DPS, remove any of the licensable activities or amend the conditions attached to the licence) in accordance with the Act.

17.4 The Licensing Sub-committee may decide to suspend a Premises Licence/Club Premises Certificate for a short period of time as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.

17.5 Failed Test Purchases

Where a premises fails a test purchase then, other than in exceptional circumstances, the Premises Licence will be reviewed. During the course of any review the Licensing Authority will look at the cause of the failure. Where during the first review it is found that the training of staff at the premises is inadequate, the Licensing Authority may look at placing a condition on the licence in respect of staff training and will consider suspending the licence to allow sufficient time to enable staff to be trained. When a further test purchase is failed the Licensing Authority will consider revoking the licence in order to promote the Licensing Objective of the 'protection of children from harm'.

17.6 Other than in exceptional circumstances, in partnership with the Police and Trading Standards, persons who sell to under-age persons will normally be dealt with by means of a Fixed Penalty Notice unless that person is the holder of a Personal Licence.

17.7 Where that person holds a Personal Licence the Licensing Authority will normally look towards prosecuting that person through the Court, in accordance with Local Authority's Prosecution Policy for the offence. The court will be asked to consider either the suspension or revocation of the Personal Licence.

17.8 Premises Persistently Selling

In line with the existing legislation, the Licensing Authority or the Police will look at prosecuting those premises which persistently sell to under age persons. Persistently selling is defined by the legislation as 2 sales within a 3 month period.

17.9 Crime and Disorder

In most cases reviews under the crime and disorder objective will be launched by the Police. In such cases the Licensing Authority will expect the Police to have engaged with the Premises Licence Holder and/or DPS to try and resolve issues at the premises. Where all best efforts have failed to address the issues then it is right and proper that the matter should be referred to the Licensing Authority to resolve. In most cases, but not exclusively, the Licensing Authority will look at attaching conditions in relation to the use of SIA registered door staff and/or restricting the hours of operation.

17.10 Reviews launched by members of the public

The Licensing Authority will expect members of the public to bring to the attention of the licensed premises, at an early stage, any issues they have in relation to those premises so that the premises have an opportunity to address the issues.

17.11 Where a member of the public is uncomfortable with doing this then they should contact their local elected Councillor who will be able to address the issues with the premises on their behalf in the first instance.

17.12 Where these methods have been tried and failed then the issues should be reported to the responsible authorities, to afford them the opportunity to work in partnership with the premises, the person(s) raising the issue and themselves to address the problems at the premises prior to a review being launched.

17.13 Members of the public will be expected to produce evidence supporting their reason for calling the review. This evidence should show the time and date of the incidents which have occurred together with the outcome.

17.14 It must be stressed that the Licensing Authority may reject applications or representations from members of the public for a review or representations, if the Licensing Authority considers them to be frivolous, vexatious or

repetitious. In the case of being repetitious this means that, in the opinion of the Licensing Authority, a reasonable period of time has not lapsed since an earlier representation or review application.

17.15 Other than in exceptional circumstances the Licensing Authority will not permit more than one review originating from a person, other than a responsible authority, in relation to a particular premises, on similar grounds, unless 12 months have passed since the previous review. This is to give the premises an opportunity to address the issues.

17.16 Members of the public may also make a complaint against premises regardless of whether they have previously made representations or called for a review of an existing licence. The complaints may in the first instance be made to the Licensing Team who will forward it to the relevant responsible authority (e.g. In the case of crime the complaint will be forwarded to the Police).

Section 18: Summary of Enforcement Policy

This section draws attention to the fact that an enforcement policy does exist as well as what it includes.

18 ENFORCEMENT POLICY

18.1 The Licensing Authority has an enforcement policy based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions. A proportionate response will be made where offences against licensing legislation are found or where licence conditions have been contravened.

18.2 It is essential that licensed premises operate in accordance with the Act and especially within their licensed hours and licence conditions. Part of the Licensing Authority's role is to monitor premises and take appropriate action. This may be independently or alongside the police and/or other Responsible Authorities to ensure the licensing objectives are promoted. Protocols have been established with the Police on enforcement issues to provide an efficient and effective deployment of local authority and Police staff. Joint visits are commonly undertaken to inspect licensed premises and enforce licensing legislation.

18.3 To protect young people, Herefordshire Council should routinely undertake test purchasing to ensure the law is being adhered to. It should be noted the Licensing Authority supports the use of the Challenge 25 Policy and recommends this should be included as part of an applicant's operating schedule in any Premises Licence or Club Premises Certificate application. Please contact Trading Standards for further details.

Section 19: Summary of Prevention of Crime and Disorder

This section seeks to address the issue of promoting the licensing objective of the prevention of crime and disorder. It advises that applicants should consider the advice given in these pages when making application and should also take it into account. Where appropriate, the applicant should make reference to these issues within their application. Where it is felt appropriate, the Licensing Authority may address some or all of these issues in the decision making process.

19 PREVENTION OF CRIME AND DISORDER

19.1 General

When applicants for Premises Licences or Club Premises Certificates are preparing their application forms or when responsible authorities or any other party are considering such applications the following matters may be considered as control measures towards the promotion of the prevention of crime and disorder. The Licensing Authority when considering applications following the receipt of any relevant representations may also take such matters into account in reaching its decision on the application.

19.2 Whether these options may be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

19.3 Appropriate conditions for the Premise Licence or Club Premises Certificate will also depend on local knowledge of the premises. The following measures should not be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

19.4 Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the

Premises Licence or Club Premises Certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution and/or a review of the licence or certificate.

19.5 Training

The Licensing Authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime.

19.6 The Licensing Authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs, violence in licensed premises and deals with conflict resolution.

19.7 Suitable training should be extended to all bar staff and door staff so that drug dealers and troublemakers will be deterred from using licensed premises.

19.8 Premises Licence and Club Premises Certificate holders are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.

19.9 The Licensing Authority has found that failures caused by staff members can be attributed to the lack of training given to them and therefore expect all staff to have received some training in relation to under age sales, awareness surrounding drug use and also conflict resolution.

19.10 Designated premises supervisor (DPS)

It is expected that the Designated Premises Supervisor will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.

19.11 Risk Assessment for the Police

The Police may, on the grounds of the prevention of crime and disorder, make representations against certain applications for the provision of music requesting that licence conditions be imposed requiring:

- the licence holder to complete and submit to the Police when appropriate an 'Event Risk Assessment Form' 14 days prior to the event. This form will allow the licence holders, the managers of premises, promoters of music events, event security and the Police to work in partnership to identify and minimise any risk of serious violent crime happening at a proposed event, and
- for a debrief form to be submitted to them 3 days after the event has taken place.

19.12 This Licensing Authority will consider the recommendations of the Police and any representations from the applicant concerning the nature of the premises, the music entertainment and its clientele in deciding whether such conditions should be imposed.

19.13 Behaviour of Customers Outside Licensed Premises

One of the main sources of complaint regarding licensed premises relates to the activities and behaviour of customers outside the boundaries of licensed premises. Both Premise Licence and Club Premise Certificate holders must take reasonable steps to prevent such behaviour having a negative impact on the vicinity of the premises which should include the dispersal of customers away from the premise. In addition license and certificate holders should consider identifying and refusing to admit problem customers.

19.14 Particular regard should be given to premises where customers congregate outside to smoke or congregate in periods of fine weather. Regard should also be given where customers do not disperse quickly when leaving the premises, particularly late at night in residential areas.

19.15 Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons;
- maintaining orderly queuing outside of venues prone to such queuing,
- ensuring public safety

19.16 Conditions may also be needed to deal with the number of such supervisors, where and at what times they should be on duty on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

19.17 Any persons employed at licensed premises to carry out any security activity must (unless exempted by law) be licensed with the SIA.

19.18 Incident Report Book

Where appropriate the Licensing Authority will require an incident report book to be kept at the premises. This should include any decision to refuse access, any attempt to make an underage purchase, any incident of crime and disorder in or about the premises, incidents of fire and fire alarm activations etc. This book shall be available for inspection by an authorised officer of the Herefordshire Council or a Police Officer.

19.19 Radios

Herefordshire Council is currently operating a radio communication system in parts of the county which allows easy and instant contact to be made between licensees and Herefordshire's CCTV Control Centre.

19.20 The Control Centre has a direct link with the West Mercia Police. This system will connect premises licence holders, designated premises supervisors, managers of premises and clubs to the local police and can provide for rapid response by the Police or Herefordshire Council to situations of disorder which may be endangering the customers and staff on the premises.

19.21 Such communication systems provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour that are about in a particular area. Radios can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

19.22 The Secretary of State recommends that radios should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate in other areas for the prevention of crime and disorder.

19.23 It is recommended that a condition requiring the communication links where available should include the following requirements: the radio equipment is kept in working order at all times;

- the radio link be activated, made available to and monitored by the Designated Premises Supervisor or a responsible member of staff at all times that the premises are open to the public;
- any instructions/directions given by the Police/an Authorised Person are complied with whenever given; and
- all instances of crime and disorder are reported via the communication link by the Designated Premises Supervisor or a responsible member of staff to an agreed contact point.

19.24 HAND Scheme

The HAND scheme (Herefordshire Against Night time Disorder) operates in Hereford City and some of the other market towns. The scheme is run by the Licensees for the Licensees and is intended to reduce crime and disorder in licensed premises, by identify those members of the public who cause trouble and barring them from all premises who are members of the scheme. The scheme involves not just alcohol premises but takeaways as well and is fully supported by the Police and the Licensing Authority who often attend their meetings as guests.

19.25 The use of glass in licensed premises

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can be applied to a licence to prevent sales of drinks in glass bottles for consumption on the premises.

19.26 It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption at particular premises should be expressed in clear terms and includes the following elements:

- no glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public

19.27 In appropriate circumstances, the condition could in exceptions be as follows:

- bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

19.28 Glasses containing drinks may be used as weapons during incidents of disorder and in non-toughened form can cause very serious injuries. Consideration could therefore be given to conditions, where appropriate, requiring either the use of polypropylene containers or toughened glass

(meeting weights and measure legislation) which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. The use of such polypropylene containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition.

19.29 It should be noted that the use of polypropylene or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

19.30 CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises.

19.31 Conditions should not just consider a requirement to have CCTV on the premises but also the precise location of each camera, the requirement to maintain cameras in working order and to retain recordings for an appropriate period of time (recommended 1 month).

19.32 Applicants are recommended to seek the advice of the Police with regard to the installation of CCTV systems for crime prevention purposes.

19.33 The Licensing Authority and the Police have agreed that a CCTV must conform with the following:

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale/ supply of alcohol occurs.
- A monitor showing live CCTV recordings shall be installed in the premises where it can be clearly seen by members of the public entering the premises

- Equipment must be maintained in good working order , be correctly time and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police or an Authorised Person on demand.
- The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage on to a recordable/reviewable device, to the Police/Authorised Person on demand.
- The Recording equipment and tapes/discs/hard drive shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure to the Police on contact number 0300 333 3000 immediately .

19.34 Open containers not to be taken from the premises

A condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) may be imposed on a particular premise. This condition may be necessary to prevent the potential for crime and disorder or for public nuisance.

19.35 Capacity limits

A condition may be imposed to set a maximum capacity limit on licensed premises or any parts thereof to ensure public safety and the prevention of crime and disorder. Where premises are particularly overcrowded this has been shown to increase the risk of conflict between customers.

19.36 Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

19.37 The capacity for the premises is likely to be in line with the Fire Risk Assessment which all licensed premises are required to have.

19.38 Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary for a “proof of age” scheme to be in place at a premises. Please see the section ‘The prevention of harm to children’ concerning the ‘Challenge 25’ proof of age scheme.

19.39 Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. For example, in certain areas, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism.

19.40 Signage

It may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

19.41 It may also be necessary for a condition to be imposed stipulating notices to be displayed on the premises requesting patrons to leave the vicinity showing consideration to local residents.

19.42 High Volume Vertical Drinking

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons.

19.43 Where necessary and appropriate, conditions can be attached to Premises Licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

19.44 Premises in the vicinity of Hereford Football Club

It is recommended by the Police that applications for the supply of alcohol within a two kilometre radius of Hereford Football Club or in any other area which Police intelligence shows that football supporters congregate should include in their application form that on match days the following will apply:-
For premises licensed for the supply of alcohol for consumption on the premises:

- Drinks shall only be supplied in polypropylene or toughened glass vessels and all bottled drinks shall be poured into such drinking vessels before being handed to the customer.
- SIA registered door staff shall be employed to control the entry and exits to the premises and to prevent the taking of alcohol off the premises (e.g. for consumption on the adjoining foot-way)
- If so instructed by a Police Inspector the premises shall be closed if it is considered that violence and/or disorder may take place.

For premises licensed for the supply of alcohol for consumption off the premises:

- SIA registered door staff shall be employed to control the entry and exits to the premises
- If so instructed by a Police Inspector the premises shall be closed if it is considered that violence and/or disorder may take place.

19.45 Failure to include the above matters in an application form may result in representations being made by the Police on the grounds of crime and disorder.

19.46 Adult Entertainment & Services

Where no indication is made within the application form that adult entertainment and/or services are to be provided, the Licensing Authority will add the following condition to the licence: -

- No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

19.47 Where it is indicated within the application form that adult entertainment and/or services are to be provided it is essential that the applicant carry out a full risk assessment on the licensing objectives of crime and disorder and the protection of children from harm.

19.48 Herefordshire Council, as the Licensing Authority, has adopted Section 27 of the Policing and Crime Act 2009, which came into force in England on 6 April 2010, which has reclassified lap dancing, striptease and pole dancing as 'Sexual Entertainment Venues' requiring a new licence for which a fee is payable.

19.49 However the Local Government (Miscellaneous Provisions) Act 1982 does make certain exceptions (principally in relation to premises which do not host more than 11 such events).

19.50 For premises providing adult entertainment the Licensing Authority will expect appropriate conditions, as shown within the 'model pool of conditions' to be offered to promote the licensing objectives.

Section 20: Summary of Public Safety

This section seeks to address the issue of promoting the licensing objective of public safety. It advises that applicants should consider the advice given in these pages when making an application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.

20 PUBLIC SAFETY

20.1 General

Risk assessments should be carried out on an individual basis and should show the measures the applicant considers appropriate to reduce the risk. The risk should be on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the competency of the management and staff at the premises.

20.2 The Licensing Authority will expect all relevant premises to produce a risk assessment and for outdoor events an Event Management Plan.

20.3 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to review and or prosecution.

20.4 It should be noted that conditions relating to public safety should be those which are appropriate, in the particular circumstances of any individual premises or club premises, and should not duplicate other legal requirements. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including

the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

20.5 Where existing legislation and regulations do not (in the opinion of the Licensing Authority) adequately cover public safety issues the following matters should be taken into consideration.

20.6 Night Clubs

Club owners and promoters will be expected to have consulted with all Responsible Authorities prior to preparing their operating schedule.

20.7 In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all Responsible Authorities when operating schedules are being prepared.

20.8 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:-

- (a) provision of CCTV and panic buttons.
- (b) use of shatterproof glasses and/or toughened glass or plastic bottles
- (c) use of security personnel, such as door supervisors, licensed by the SIA
- (d) requirement of a minimum of a SIA registered door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupancy capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

20.9 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

20.10 Safety Advisory Group

Where appropriate, licence holders or their authorised representatives will attend Herefordshire Council's Safety Advisory Group and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE publications "Event Safety Guide" and "Managing Crowds Safely".

20.11 The Licensing Authority will often request a condition be placed on a licence, for large outdoor events, requiring the premises licence holder to submit a draft Event Management Plan (EMP) 3 months prior to the event to Herefordshire Council's Safety Advisory Group for evaluation and then a final EMP a fortnight before.

20.12 Escape routes

It may be necessary for public safety to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring gangways are kept unobstructed.

- all emergency exit doors can be easily opened without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- where necessary the edges of the treads of steps and stairways are to be conspicuous from the rest of the stair treads.

20.13 Safety Checks

Consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and

- details of such checks are kept in a Log-book.

20.14 Capacity limits

Consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the Fire Risk Assessment are not exceeded; and
- the Premises Licence holder, a club official, manager or Designated Premises Supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

20.15 Emergency action notices

Consideration might also be given to conditions that ensure that notices detailing the actions to be taken in the event of emergencies, including how the emergency services should be summoned, are prominently displayed and protected from damage and deterioration.

20.16 Access for emergency vehicles

Consideration might also be given to a condition that ensures that access for emergency vehicles is kept clear and free from obstruction.

20.17 First Aid

Consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- A suitable area is identified that can be used for treatment
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.
- It should be noted that providers of medical cover at events should be registered and regulated by the Care Quality Commission (CQC) 03000 61617, enquiries@cqc.org.uk

20.18 Lighting

Consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- emergency lighting is not altered;
- emergency lighting and signage are in working order before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

20.19 Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician
- temporary electrical wiring and distribution systems shall comply with the appropriate standards where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

20.20 Indoor sporting events

Subject to the type of sports provided and the appropriate risk assessments, consideration may be given to conditions to ensure that:

- an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo karate or other sports entertainment of a similar nature;

- where a ring is involved, it is constructed and signed off by a competent person and accepted as suitable by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools (4th Edition) published by the Health and Safety Executive).

20.21 Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with any licensing condition. Licence holders wishing to carry out alterations to their premises should see the advice of the Licensing Team as to the correct licensing procedure. Alterations may mean that an application for a new licence or a variation or minor variation to the existing licence is required.

20.22 Special effects

The use of special effects in venues of all kinds can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;

- explosives and highly flammable substances; and
- foam or similar product.

On the first occasion of their use prior notification shall be given to the Licensing Authority and must meet with their approval.

20.23 Theatres, cinemas, concert halls and similar places

There are particular matters in the context of public safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points below are for consideration and do not represent a mandatory list.

- Attendants: must be sufficient in numbers taking into consideration the other safety measures, the design of the premises and the profile of the persons attending (e.g. performances attracting primarily children). Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- Standing and sitting in gangways etc. persons should not be allowed to:
 - sit in a gangway;
 - stand in a gangway, except for access to and from their seat.
 - stand or sit in front of any exit;
 - stand or sit on any staircase including any landings; or
 - stand to view the performance except in areas designated in the premises licence or club premises certificate
- Drinks: No drinks (alcohol or other drinks) shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
- Flammable films; No flammable films should be allowed on the premises without the prior approval of the Fire Authority.

Section 21: Summary of Public Nuisance

This section addresses the issue of promoting the licensing objective of the prevention of public nuisance. It advises that applicants should consider the advice given in these pages when making application and should take it into account. Where appropriate the applicant should make reference to these issues within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.

21 PREVENTION OF PUBLIC NUISANCE

21.1 General

Public nuisance includes any noise generated as a result of the activities at the premises including the behaviour of customers whilst arriving, leaving or at the premises. This may include noise from customers' cars arriving, car stereo systems, car horns, vocal noise from customers, or those that transport customers to and from the venue, revving engines, litter and the obstruction of public highway. The area where such problems could occur may extend beyond the immediate vicinity of the premises.

21.2 When applicants for Premises Licences or Club Premises Certificates are preparing their operating schedules, the matters dealt with in this annex should be carefully considered as a means to prevent public nuisance.

21.3 Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

21.4 Necessary conditions for Premises Licences and Club Premises Certificates will also depend on local knowledge of the premises.

21.5 Planning

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Such planning consents may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation.

21.6 In general, planning consents authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

21.7 Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

22.8 In determining applications for new and varied licences, regard will be had to following factors: the location of premises, the type and construction of the building, the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

22.9 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that accommodation occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence.

22.10 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

22.11 Generally permitted temporary activities in the open air including tents and marquees should have a maximum closure hour of 11.00 pm. Earlier hours may be imposed in sensitive open spaces or near residential areas.

22.12 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

22.13 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

22.14 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. Herefordshire Council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy.

22.15 Management and control of customers

Procedures should be put in place to manage the behaviour of customers in so far as it may contribute to public nuisance. These measures may include; management of people who arrive and leave the premises, the placing of signage reminding patrons to arrive and leave quietly, the consideration of arranging a dedicated taxi service, the quick dispersal of customers away from the premises when leaving, and when drinking outside is permitted, to take into consideration the potential of public nuisance.

21.16 Hours

The hours during which the licensable activities are permitted at premises by the conditions of a Premises Licence or a Club Premises Certificate are set for the prevention of public nuisance. But this must be balanced by the

potential impact on disorder which results from artificially fixed closing times. For example where the premises are in a predominately residential area the potential for public nuisance is greater.

21.17 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. But also where an external area is permitted to have licensed activity, for example a beer garden, it may be appropriate to cease that activity earlier than the terminal hour of the rest of the premises.

21.18 Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

21.19 Litter

Premises that provide food and /or drink for consumption off the premises could create public nuisance in the form of their patrons causing litter (i.e. food wrappings/containers and drink containers) in the vicinity of the premises and the wider area. Applicants for licences allowing the

provision of late night refreshment and the sale of alcohol for consumption off the premises are recommended to consider the problems that litter caused by their operation will cause and the steps that they will take to prevent such nuisance in the vicinity of their premises. The steps that they could take (and include in their application form) include:

1. the provision of waste receptacles outside the premises,
2. notices asking customers to dispose of their rubbish responsibly and not to create litter problems, and
3. the licence holder arranging for the picking up and disposal of litter from their premises or the vicinity of the premises or associated with them.

21.20 Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells do not cause a nuisance to nearby properties and that premises are properly ventilated.

21.21 Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that flashing lights or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties.

Section 22: Summary of the Protection of Children from Harm

This section seeks to address the issue of promoting the licensing objective of the protection of children from harm. It advises that applicants should consider the advice given in this Policy when making an application and where appropriate, the applicant should make reference to these principles within their application. Where it is felt appropriate the Licensing Authority may address some or all of these issues in the decision making process.

22 THE PROTECTION OF CHILDREN FROM HARM

22.1 General

The Licensing Authority will have specific regard to the licensing objective to protect children from harm. This objective includes the protection of children from moral, psychological and physical harm.

22.2 It is anticipated that Premises Licences will be sought in respect of a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible within this licensing policy to anticipate every situation where children may be at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will expect applicants to offer their own measures within the operating schedule to meet all of the licensing objectives.

22.3 It is the Licensing Authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take all reasonable steps to prevent under age sales.

22.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to prevent underage purchase and to assist in the protection of children from harm, the Licensing Authority supports the following measures:-

- (a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street

- (b) Police and trading standards should implement test purchasing to reduce on and off licence sales to under 18 year olds and carry out age challenges to reduce underage drinking in pubs and licensed venues.
- (c) Further take-up of proof of age schemes will be promoted
- (d) In-house, mystery shopper type schemes operated by local businesses will be supported
- (e) Providers of events for unaccompanied children should consider whether staff at such events need to be DBS checked

22.5 The Licensing Authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the Premises Licence Holder. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment or services of an adult or sexual nature are provided
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

22.6 It is anticipated that the issue of access to children will be addressed in the Operating Schedule.

- 22.7** The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a Premises Licence, Club Premises Certificate or where that activity is carried on under the authority of a TEN. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between the hours of midnight and 05.00 am at other premises supplying alcohol for consumption on the premises under the authority of any Premises Licence, Club Premises Certificate or TEN. Outside of these hours, the Act does not prevent the admission of unaccompanied children to a wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues.
- 22.8** Licensees are expected to have effective steps to prevent children from viewing films or video works that are unsuitable due to the age classification of the film that has been imposed by the British Board of Film Classification or the Licensing Authority.
- 22.9** The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.
- 22.10** Anyone intending to provide staff for the supervision of activities to under 18s will be required to carry out enhanced DBS check on all persons involved in such activities.
- 22.11** These checks should be entered into a register which should be kept on the premises at all times and made available to the Police or Authorised Officer

on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the Police.

22.12 The Licensing Authority will specifically require the Operating Schedule to address issues relating to children. Applicants are advised to contact Herefordshire Council's Children's Services directly to seek advice prior to submitting their application.

22.13 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training must be given to all persons who might be in a position to refuse such children. Such training must include

- recognition of age,
- seeking proof of age,
- verifying the authenticity of proof of age cards, and
- handling refusals and the recording of such refusals.

22.14 Premises that sell alcohol should have due regard to proof of age schemes, and this Licensing Authority recommends that the Challenge 25 Policy be used (for further details contact Trading Standards). See section 22.28 below for recommended conditions relating to 'Challenge 25'. It should also be noted that there are restrictions on Gambling Activities that children and vulnerable are allowed to access.

22.15 Adult Entertainment Services:

Applicants for licenses should take into account whether entertainment or services of an adult or sexual nature are to be provided at the premises. Whilst it is not possible to give an exhaustive list of such entertainment or services, it would include topless bar staff, striptease, lap/table/pole

dancing, performances involving feigned violence or horrific incidents, feigned or actual sex acts or fetishism, or entertainment involving strong and offensive language.

22.16 It may be necessary to prohibit or limit the access of children to premises where adult entertainment or services are to be provided.

22.17 Measures that can be contained in applicants Operating Schedules include:

- . Limitations on the hours when children may be present
- . The prohibition of children under certain ages from the premises when adult entertainment and services are being provided, or when any licensable activity is taking place.
- . Limitations on the parts of the premises to which children have access
- . Age limitations (below 18),
- . Requirements for accompanying adults (including for example a requirement that children under a particular age must be accompanied by an adult).
- . No display or advertising of the adult entertainment or services outside the premises or in the vicinity of the premises, and
- . That it will be impossible to see or hear the adult entertainments or services from outside of the premises, or from outside of the defined area within the premises where the activities are taking place. Whilst each particular application involving adult entertainment or services will be decided on its own particular merits, this Licensing Authority may (for the protection of children) take into account in its determination of the application the following factors:
 - . The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons,
 - . The proximity of the premises to leisure centres used for sporting and similar activities by young persons,
 - . The proximity of the premises to any youth club or similar establishment, and

- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons,

Note: the proximity will be determined on each individual application at the informed discretion of an officer of the Licensing Authority.

22.18 Access for children to licensed premises – in general:

Conditions attached to Premises Licences and Club Premises Certificates may reflect the concerns of responsible authorities and any other person who have made representations but only where the Licensing Authority considers it necessary to protect children from harm. Applications in relation to Premises Licences and Club Premises Certificates must be judged by the Licensing Authority on their individual merits. However there are certain factors which would cause the Licensing Authority to consider conditioning the access of children to the premises. This is where there is:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing Operating Schedules or Club Operating Schedules or variations of those schedules for the purposes of obtaining or varying a Premises Licence or Club Premises Certificate should:
 - ~ explain their reasons; and
 - ~ outline in detail the steps that they intend to take to protect children from harm on such premises.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing

Operating Schedules or variations of those schedules or club Operating Schedules for the purposes of obtaining or varying a Premises Licence or Club Premises Certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.
- In any other case, subject to the Premises Licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the Act. An Operating Schedule or Club Operating Schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the Operating Schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the Operating Schedule should outline the steps necessary to be taken to promote the protection of children from harm while on the premises.

22.19 Exhibition of Films

It is a mandatory condition on licences authorising the exhibition of films that no person under the age of 18 shall be allowed admission to the exhibition unless the film has been classified as being suitable for their age. The current film classifications are:

- | | |
|--------------------------|--|
| - U - Universal. | Suitable for audiences aged four years and over. |
| - PG- Parental Guidance. | Some scenes may be unsuitable for young children. |
| - 12A- | Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult. |
| - 15 - | Passed only for viewing by persons aged 15 years and over. |
| - 18 - | Passed only for viewing by persons aged 18 years and over. |

22.20 Applicants for licences are expected to demonstrate in their application form the steps that they will take to ensure the age classifications are complied with and that no underage person is allowed to view a film contrary to its classification. Such steps should include an age identification scheme, whereby persons are required to prove their age.

22.21 Additional steps should include the steps that:

- before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising film, of the statement approved by the Board indicating the classification of the film;
- The age classification of the film shall be displayed both inside and outside the premises, and
- a condition that when a Licensing Authority has made a recommendation of the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

22.22 Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays will normally be imposed.

22.23 However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary.

22.24 Performances especially for children

Entertainment may also be presented at cinemas and theatres specifically for children, and the Licensing Authority is expected to consider whether a licence condition should be imposed that requires the presence of a sufficient number of adult staff on the premises to ensure the well-being of children present on the premises during any emergency .

22.25 Where performances are presented especially for unaccompanied children in theatres and cinemas conditions will require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

22.26 The Licensing Authority is expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

22.27 Children in performances

They are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 (as amended) sets out requirements for children performing in a show. The Licensing Authority should familiarise itself with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions in addition to these requirements, then the Licensing Authority may consider the matters outlined below.

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.

- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

22.28 'Challenge 25'

It is unlawful to sell or supply alcohol to persons under the age of 18. Following test purchases operations within the county, it has been established that Challenge 21 has little effect. The Licensing Authority therefore requires premises within the County to operate a 'Challenge 25' policy, other than in exceptional circumstances.

22.29 Licensees should note the concern of the Licensing Authority that drink related disorder will often involve under 18's. Appropriate forms of identification are currently considered to be those recommended by Police, trading standards officers and their partners in the Joint Tasking Group (passport or photo driving licence or an ID card containing a PASS Hologram).

22.30 The recommended conditions are:

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police or an authorised trading standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed

at all entrances to the premises as well as at, at least one location behind any bar advertising the scheme operated.

2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised trading standards Officer of Herefordshire Council on demand.
3. The Licensee to prominently display notices advising customers of the "Challenge 25" policy.
The following proofs of age are the only ones to be accepted:
 - . UK Photo Driving licence
 - . Passport
 - . PASS Hologram
4. All bar staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training package equivalent to BIIAB level within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence).
Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised trading standards Officer of Herefordshire Council on demand.

Section 23: Summary of Information Sharing

Information will be shared between partners and other government agencies. Members of the public, who make a justifiable request for information, will be provided with such information, except personal details or those of a commercially sensitive nature.

23. INFORMATION SHARING

23.1 Licensing Act 2003

In accordance with Section 185 of the Act the Licensing Authority and the responsible authorities will share information with each other for the purposes of facilitating the exercise of the authority's functions under this Act.

23.2 Data Protection Act

Information provided on application forms which was required to process applications and/or to administer the service. It may have contained personal data about the applicant or other person. As the data controller of that information, Herefordshire Council will process that personal data in accordance with the provisions of the Data Protection Act 1998.

23.3 Where necessary we may share this personal data with partner organisations for the protection of public funds administered which may include the prevention or detection of fraud and auditing purposes.

23.4 Requests for Information

The Licensing Authority will provide information contained within Part A of the Premises Licence, whenever reasonably requested to do so. However it is under no duty to reveal any such details as would be excluded in a response to a request made under the Freedom of Information Act.

Section 24: Summary of Other References & Guidance

This section provides details of where further information can be found.

24 OTHER REFERENCES & GUIDANCE

Applicants are recommended prior to making an application to have regard and to take into consideration in their application the following documents (as appropriate to their premises and the activities that will be provided):-

- The Guidance and information on licensing provided on the website of the Home Office <https://www.gov.uk/alcohol-licensing>
- Technical Standards for Places of Entertainment <http://www.technical-standards-for-places-of-entertainment.co.uk/>
- Metropolitan Police: I need help – tackling knife crime <https://www.met.police.uk/cp/crime-prevention/skc/stop-knife-crime/i-need-help/>
- BIS Guidance on Age Restricted products https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913507/13-537-code-of-practice-age-restricted-products.pdf
- Guidance issued by the SIA in connection with door supervisors etc. http://www.sia.homeoffice.gov.uk/Documents/licensing/sia_get_licensed.pdf
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events’ - <https://www.hse.gov.uk/event-safety/>
- Managing Crowds Safely HSE <https://www.hse.gov.uk/pubns/indg142.htm>
- ‘Carrying out risk assessments’: <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>
- ‘The Guide to Safety at Sports Grounds’ (“The Green Guide”) <https://sgsa.org.uk/greenguide/>
- ‘Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances’ Independent Street Arts Network

(ISAN) available from:

<http://www.streetartsnetwork.org.uk/pages/publications.htm>

- Fire safety law and guidance documents for business.

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Section 25: Summary of Other Policies and Objectives

This section details other policies which may be associated with licensing of premises.

25 OTHER POLICIES AND OBJECTIVES

25.1 Other statutory obligations which fall outside the requirements of the Act may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Herefordshire Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant legislation.

25.2 Many of the specific licensing requirements relate to matters potentially affecting public safety. In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. These Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers-by etc. Thus there is considerable overlap between the licensing regime and the wider health & safety regimes.

25.3 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications. Planning may make representations in connection with a licensing application if an application has an adverse impact on any the four objectives.

25.4 The Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way that is incompatible with a Convention Right. Herefordshire Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of their property, including for example the possession of a licence.
- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life;

25.5 The Equality Act 2010

The Equality Act 2010 (the EQu Act) protects people from unlawful discrimination in the provision of services and public functions, employment, premises, education and associations. Its broad purpose is to integrate consideration of equality and good relations into the day-to-day business of public authorities. The EQu Act brought into law the public sector equality duty which requires that, when exercising public functions, public service providers must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the EQu Act

- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it

There are similar equality requirements for private businesses detailed in the EQu Act (e.g. prohibition of discrimination against people based on their protected characteristics), and businesses are expected to fully comply with this legislation.

25.6 Herefordshire Council's Equality Policy

Herefordshire Council's Equality Policy is a public statement of the council's commitment to equality, and compliance with the EQu Act 2010. Herefordshire Council aim to integrate consideration of equality and good relations into our day-to-day business, and therefore any breaches of the EQu Act by licensed premises will be treated seriously.

25.7 Herefordshire's Community Safety Strategy

Herefordshire's Community Safety Strategy will play a part in achieving some if not all of the objectives in reducing crime and disorder. In addition to this Anti-Social Behaviour Strategy will focus on the first stage of the challenge, which is to make sure that the Herefordshire Council's efforts and relevant resources are working together effectively to reduce anti-social behaviour across the county. As such, these developments will form Herefordshire Council's position and contribution to the wider multi-agency strategy that will be produced under the Herefordshire Community Safety Partnership. The drive to deal with underage drinking and the impact that it has on anti-social behaviour will be managed through as part of this strategy.

25.8 Fire Protocol

Hereford & Worcester Fire and Rescue Service have extensive experience when dealing with licensing applications, particularly in

respect of outside events and are happy to offer guidance where necessary.

25.9 Planning Permissions

All applicants for Premises Licences, Club Premises Certificates and Provisional Statements are reminded that planning permission will normally be required for such uses. Planning permission may carry conditions with which applicants are expected to comply otherwise action may be taken under the relevant planning legislation. In general, planning permission authorises a broad use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality.

25.10 Licensing applications must not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Sub-committee will ensure that the Planning Committee is advised of the situation regarding licensed premises in the Herefordshire including the general impact of alcohol related crime and disorder and any proposals to introduce a saturation policy to assist them in its decision making process.

25.11 The Licensing Authority however will not take demand into account when considering a licensing application as this is a commercial decision and a matter for planning control and the market.

25.12 The potential impact of hot food takeaways, restaurants, pubs and clubs on the local environment and the amenity of the surrounding areas, particularly if proposed on a site that is adjacent to residential properties has to be carefully considered. Consideration also has to be given to the important role that leisure and entertainment uses can play in the regeneration of the economy for Herefordshire.

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Consultation Response – Licensing Policy 2020-2025

<u>Response</u>	<u>Comment from</u>	<u>Comment</u>	<u>Response</u>
1	Burley Gate Community Shop	I totally support your proposed document on behalf of Burley Gate Community Shop	Thank you
2	Dormington & Mordiford Parish Council	<p>Section 21.21, Special Effects: I think the policy should place far more emphasis on risk assessment for storage and transport, not just for use; also for security and for fire safety - I think this should be a requirement when applying for either a TENS or permanent licence.</p> <p>Section 22.19, Noise and Vibration Greater emphasis on controlling noise produced by music festivals by noise sampling and by time limits as there are no doors to close.</p> <p>Page 35 - item which proposes education and risk reduction initiatives to young drivers and other at-risk users alongside the work of multi-agency road safety partners It is our opinion this paragraph needs to be more specific, ie duration and nature of the initiatives with clearly defined and measurable outcomes.</p> <p>For events requiring marquees, weather is a major consideration, particularly when an event takes place at night, and if located under or adjacent to trees, so risk assessments need to cover this and the emergency arrangements need to reflect this. In particular the music festival held for a couple of years running at Moor Mills was mentioned as an example.</p>	<p>The legislation does not allow a Licensing Authority to attach conditions. Health and Safety legislation would still apply.</p> <p>Noise management is on an intelligent lead basis. If there are noise issues they should be reported to the EHO</p> <p>Road Safety is not one of the Licensing Objectives and therefore cannot be included in the policy.</p> <p>The organisers of events, under other legislation, are required to have a risk assessment in place which should cover these issues.</p>
3	Dorstone Parish Council	<p>At last night's PC meeting the policy consultation was discussed, Ward Councillor was present. The consultation runs to over 90 pages, two suggestions made; Any changes to the current policy the text was changed to italics A document showing the changes from the current policy is circulated</p>	A summary of changes was supplied through the Parish Council Liaison Officer

4	The Ducker	<p>I have read through as requested and only Section 14 Opening Hours is missing from the link I go to!?</p> <p>Apart from that I have no problems with the new proposed Licensing Policy.</p>	<p>Section14. Opening Hours has been removed as it is not a licensable activity.</p>
5	Golden Cross Inn	<p>I appreciate the opportunity to review the proposed policy Herefordshire Council are currently reviewing. Aside from some spelling errors which I am sure will be ironed out in the final document there are only three areas that I would have cause to ask for further consideration:</p> <p>7.4-7.10 Newspaper Advertising in connection with Licensing applications. As we write today, Newspaper circulation is at an all time low - in five years' time (when next the document will be scheduled for review), the Newspapers will be a thing of the past. As this is supposed to be a method of delivering notice to a wide audience I feel that consideration should be given to the use of the internet. As much as I dislike facebook, it is one of the most read mediums we currently have in place. It might make sense for Herefordshire Council set up a specific facebook page for posting notifications. It would also create a mode for reply (which will carry the risk of abuse, however, a moderator could be tasked with managing the correspondence).</p> <p>8.5 implies that all premises have CCTV or will be expected to have CCTV - many premises in the County do not merit such action and perhaps some adjustment to wording would be worthy in this section</p> <p>20.5 Training - at various points in the consultation reference is made to the merits of recognised training. British Institute of Innkeeping qualifications are mentioned - not many publicans are members of this body - it is expensive and the training programmes are also costly (although unquestionably good). Training services around Hereford are very limited and tend to be costly. Would it not merit consideration for the Licensing Department to liase with HAND (who do have a small pot of gold) and other bodies to put together some useful training programmes that can be held within the County at locations easily accessed and at an affordable cost? Wye Valley Brewery do a cellar management course which is first class - why not talk to them about other training programmes - they have the facilities to host training groups. We have Heineken & Weston's in the county - why not engage them in the development of professional qualifications for our industry, within the confines of our County?</p> <p>These matters aside, whilst long-winded, the documentation looks fit for purpose</p>	<p>Legislation requires the advert to be in a local paper and the local authority cannot vary this.</p> <p>This have been amended and now reads 'where fitted'</p> <p>Whilst BIIAB is mentioned it says 'or any other training package equivalent to BIIAB'. The Licensing Authority will not recommend any particular training program, as this would be unfair to businesses, hence why it says or equivalent.</p>
6	Hereford BID	<p>Thank you for sending us the draft licensing policy and as requested, I have put below a couple of points/ queries we would like to make:</p> <ul style="list-style-type: none"> • Could you confirm how this policy differs from the last (in general terms) 	<p>Details shared</p>

		<ul style="list-style-type: none"> • There is no mention of principles/ guidance that will be applied to residential areas created in the city centre/ process with developers/ considerations, also known as 'agents of change principle' <ul style="list-style-type: none"> ○ We would like to see significant guidance here on this subject as increasingly more accommodation is taken/ developed in Hereford and the concern is the amount of friction this is likely to cause between stakeholders in the absence of policy clarity 	The 'Agent of Change Principle' is best included in the Planning Policy as it put requirements on builders/designers to ensure that noise from licensed premises does not disturb residents
7	Member of the public	<p>Thank you for the information. I have read through the detailed well written document. I understand consideration has been given taking in to account the Health and Safety at Work act too.</p> <p>My comments:</p> <p>Section 22-19 noise and vibration should apply to people within the premises, and not just external. Noise exposure to employees, and compliance with the regulations (Control of Noise at Work Regulations 2005).</p> <p>23-24 for children the same applies an additional duty of care exists to protect them from noise that has potential to harm their hearing.</p> <p>Noise measurements can be undertaken by environmental health and standards/limitations established to avoid harm to people</p>	The Licensing Act requires that we do not duplicate other legislation which to include this would do. However, that legislation is enforced by Environmental Health who do monitor that type of noise
8	Swan Brewery	<p>Having reviewed the document and recalling our own experience of applying for a premises licence, we would like to suggest that applications can be made electronically. We had quite a job doing all the photocopying, checking addresses (2 on the list we were given were incorrect), posting. I am not sure why the hard copies are required; the application is then scanned in and uploaded to the council site for the public to review.</p> <p>The other aspect is the publicising via a newspaper. Given that fewer people read physical newspapers, is there a better way to publicise the application. Yes we can use the Hereford Times (we used the Ad mag I think as it was cheaper) but if truly a wider reach was required then a paid for Facebook advert would fulfil that better.</p>	<p>Online applications have been available for a number of years through the Government Portal.</p> <p>The legislation requires the advert to be in a local paper. The legislation cannot not be amended by the Licensing Authority.</p>
9	Wye Float	<p>As a non-profit charity event all our funds are donated to the charity's.</p> <p>7.3 An application for a new/variation to a premises licence or a new/variation to a club premises certificate requires the applicant to advertise on the premises (during the consultation period).</p>	Advertisement is covered by legislation and requires it to be advertised in a local newspaper. Therefore it is

		<p>The act also requires an applicant to advertise in a local newspaper or where there is non a publication which is circulated in the immediate vicinity of the premises. For a small event the advertising cost charged by our local paper in Hereford is very high. Is there any way small events / charity's can be offered an alternative? Such as using social media or online advertising.</p>	not within the power of the local authority to change.
9	West Midlands Ambulance Service	<p>Please include the following: At para 21.10: And the Purple Guide published by the Events Industry Forum www.thepurpleguide.co.uk At 21.16: "appropriate and suitable first aid or medical cover is available when the public are present. This may range from simple first aid to full doctor led medical facilities with transporting ambulances, depending on the event profile and risk" Medical personnel should be adequately trained and equipped, in proportion to the event profile and risk. They should have no other function apart from medical duties. The First Aid At Work qualification is not suitable for treating the public. At 23.11: Impose a time limit for checks? Up to the employer I suppose, but time between checks should be decided, depending on the nature of the workforce? Transient/Temporary every 12 months, Trusted personnel longer? Must reduce the risk of offending between checks and going un-noticed.</p>	These changes have been included.

Summary of main changes (Licensing Policy)

New Paragraph

- 5.5** Where a matter is appearing before the Licensing Committee and an applicant decides to amend their application prior to the hearing then the Committee clerk should be informed prior to the commencement of the hearing so that the Committee are afforded the necessary time to consider it.

Reason: This is a new paragraph and is to assist the Committee members

Amended paragraph:

6.6 Relevant Representation

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives and the steps proposed by the applicant to promote the licensing objectives are considered to be inadequate. In other words, representations should relate to the impact of licensable activities carried on from premises on the licensing objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

Replaces:

6.6 Relevant Representation

~~A relevant representation has been defined in a number of stated cases which have appeared before the High Court and which are binding on the Licensing Authority. Of particular note is the case of *Daniel Thwaite's Plc v Wirral Borough Magistrates' Court and The Sauehall Massie Conservation Society and*~~

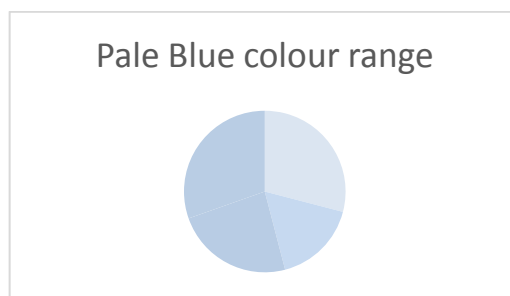
~~Wirral Metropolitan Borough Council [2008] EWHC 838 (Admin). In brief it was said that a licensing authority should look for some real evidence to support the representation made. Fears and speculation as to what might happen will not be enough. Whilst this case remains relevant, Herefordshire Council will expect a representee to give evidence to substantiate a conclusion that the application as applied for is unlikely to promote the licensing objectives.~~

Reason: The new paragraph follows the Section 182 Guidance

New Paragraphs

- 7.4** The act also requires that the applicant satisfies the Licensing Authority that they have complied with the legislation in respect of the notices, the requirements which are laid out in the regulations.
- 7.5** No licence will be issued until the Licensing Authority is in receipt of the newspaper advert. The onus is on the applicant to supply this prior to the end of the consultation period. Any delay by the applicant will result in a delay in issuing the licence.
- 7.6** In respect of the notices to be displayed at the premises, again the onus is on the applicant to demonstrate to the authority that the regulation have been complied with. The Licensing Authority requires evidence to demonstrate that the notices have been in place for the required time and in the correct locations. Whilst the method of evidencing compliance rests with the applicant, photographic evidence will only be accepted if it correctly dated within the required period. It is suggested that evidence should be dated on the first, last and at weekly periods throughout the period. This evidence will not be checked until the 28 day consultation period has concluded as the authority must be satisfied that the requirement includes the full period.

- 7.7** Where an applicant decides to amend their application prior to the end of the consultation period then the Licensing Authority requires the applicant to amend the site notice and their application form to reflect this.
- 7.8** Prior to the consultation process, the applicant should inform the Licensing Authority where they propose to place the notices so that the Authority are satisfied that members of the public will see them. For the avoidance of doubt, a clear location map/plan should show the proposed locations of notices, particularly for those premises which require additional notices, due to the size of the premises being applied for.
- 7.9** In accordance with the guidance the authority reserves the right to conduct random and unannounced visits to premises to confirm that notices have been clearly displayed on pale blue paper and include relevant and accurate information. Pale blue is defined within the chart below:



Reason: All of the above have been included to provide guidance in respect of meeting the legislative requirements of the Act.

New Paragraphs

- 7.17** Where an application is found to be defective after the consultation period has started the applicant will be informed. The applicant can then either wait for the end of the consultation period in which case their application will not be determined or can withdraw the application.
- 7.18** Any further application submitted will attract the full fee and no refunds will be given.

7.22 Where temporary events notice are given and found to be defective or for some reason the event does not take place, no refund will be given. The Licensing Authority will not permit TEN's to be moved to different dates.

Reason: these paragraphs have been included so the Licensing Authority can operate on a full cost recovery basis.

New paragraphs

8.1 New Applications

It is expected that prior to application an applicant will contact the responsible authorities before submitting their operating schedule with their application.

8.2 The applicant should also make contact with local residents who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application.

8.3 The application form should include sufficient information to enable the Licensing Authority, any other person and any responsible authority to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area and are expected to make it clear why the steps they are proposing are appropriate for the premises. A description of the business to be conducted on the premises must also be included in the application form.

8.4 The Licensing Authority requires applicants, to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physically environment crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.5 Where application is made for live or recorded music, on a premises licence, an applicant is required to state the maximum capacity of the premises, as this is relevant in respect of whether the activity applied for is licensable and whether conditions may be required to promote the licensing objectives.

8.6 In addition to the requirements under the legislation in respect of plans, the Licensing Authority requires applicants to show on their plan the location of CCTV cameras and the area of coverage.

Reason: These paragraphs meet the requirements of Section 182 of the Act

New Paragraph

8.18 It is expected that there shall be on site, a written authorisation, from either the designated premises supervisor or a personal licence holder allowing other members of staff to sell alcohol on their behave. This is to meet with the mandatory condition.

Reason: These paragraphs meet the requirements of Section 182 of the Act

New paragraph

8.22 Delivery Services

Persons who run premises providing 'alcohol delivery services' should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what

conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact the licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Reason: This has been included due to the rise in delivery services as a result of the pandemic

Amended paragraph

8.26 Petrol Stations

There are restrictions of the sale of alcohol from petrol stations. The Licensing Authority expects an applicant to demonstrate the primary use of the premises in order to establish whether the premises licence should be rejected. An applicant will be required to supply the data to demonstrate that the primary use of the premises is not a garage. Each case will be judged on the individual circumstances of the application.

Replaces

~~8.18 Petrol Stations~~

~~There are restrictions of the sale of alcohol from petrol stations. The Licensing Authority expects an applicant to demonstrate the primary use of the premises in order to establish whether the premises licence should be rejected. Each case will be judged on the individual circumstances of the application.~~

Reason: The paragraph provides greater clarity in respect of the requirements of the Licensing Authority

New paragraph

- 18.4** The Licensing Committee may decide to suspend a licence for a short period of time as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.

Reason: This paragraph meet the requirements of Section 182 of the Act

Amended paragraphs

18.10 Reviews launched by members of the public

The Licensing Authority will expect members of the public to bring to the attention of the licensed premises, at an early stage, any issues they have in relation to those premises so that the premises have an opportunity to address the issues.

- 18.11** Where a member of the public is uncomfortable with doing this then they should contact their local elected Councillor who will be able to address the issues with the premises in the first instance.

- 18.12** Where these methods have been tried and failed then the issues should be reported to the responsible authorities, to afford them the opportunity to work in partnership with the premises, the person(s) raising the issue and themselves to address the problems at the premises prior to a review being launched.

- 18.13** Members of the public will be expected to produce some form of evidence supporting their reason for calling the review. This evidence should show the time and date of the incidents which occurred together with the outcome.

- 18.14** Other than in exceptional circumstances the Licensing Authority will not permit more than one review originating from a person, other than a responsible authority, in relation to a particular premises, on similar

grounds, unless 12 months have passed since the previous review. This is to give the premises an opportunity to address the issues.

Replaces

~~18.9~~ **Reviews launched by members of the public**

~~The Licensing Authority will expect members of the public to bring to the attention of the responsible authorities issues concerning licensed premises at an early stage, to afford those responsible authorities the opportunity to work in partnership with the premises, the person(s) raising the issue and themselves to address the problems at the premises prior to a review being launched.~~

~~18.10~~ Members of the public will be expected to produce some form of evidence supporting their reason for calling the review. This evidence should show the time and date of the incidents which occurred together with the outcome.

~~18.11~~ It must be stressed that the licensing authority may reject applications from members of the public for a review or representations, if the Licensing Authority considers them to be frivolous, vexatious or repetitious. In the case of being repetitious this means that, in the opinion of the Licensing Authority, a reasonable period of time has not lapsed since an earlier representation or review application.

~~18.12~~ Members of the public may also make a complaint against premises regardless of whether they have previously made representations or called for a review of an existing licence. The complaints may in the first instance be made to the Licensing Team who will forward it to the relevant responsible authority (e.g. In the case of crime the complaint will be forwarded to the police).

Reason: These paragraphs are to provide greater clarity to members of the public.

New paragraph

20.23 HAND Scheme

The HAND scheme (Herefordshire Against Night time Disorder) operates in Hereford City and some of the other market towns. The scheme is run by the Licensees for the Licensees and is intended to reduce crime and disorder in licensed premises, by identify those members of the public who cause trouble and barring them from all premises who are members of the scheme. The scheme involves not just alcohol premises but takeaways as well and is fully supported by the police and the Licensing Authority who often attend their meetings as guests.

Reason: This has been included to assist with the prevention of crime and disorder.

New paragraph

21.11 The Licensing Authority will often request a condition be placed on a licence, for large outdoor events, requiring the premises licence holder to submit a draft Event Management Plan (EMP) 3 months prior to the event to the Safety Advisory Group for evaluation and then a final EMP a fortnight before.

Reason: This has been included to assist with public safety at events.

Amended paragraph

23.30 The recommended conditions are:

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police or an authorised trading standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to

the premises as well as at, at least one location behind any bar advertising the scheme operated.

2. A written register of refusals will be kept including a description of the people who have been unable to provide required Identification to prove their age. Such records shall be kept for a period of 12 months and will be collected on a daily basis by the Designated Premises Supervisor and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised trading standards Officer of Herefordshire Council on demand.
3. The Licensee to prominently display notices advising customers of the "Challenge 25" policy.
The following proofs of age are the only ones to be accepted:
 - UK Photo Driving licence
 - Passport
 - PASS Hologram
4. All bar staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any other training package equivalent to BIIAB level within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised trading standards Officer of Herefordshire Council on demand.

Replaces

~~23.30~~ The recommended conditions are:

- ~~1. The Licensee to adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.~~

~~The Licensee to prominently display notices advising customers of the "Challenge 25" policy.~~

~~The following proofs of age are the only ones to be accepted:~~

- ~~UK Photo Driving licence~~
- ~~Passport~~
- ~~PASS Hologram~~

- ~~2. Staff Competence and Training:~~

~~The Licensee to keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised.~~

~~The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.~~

~~The Licensee to ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age~~

~~restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.~~

~~The Licensee to ensure that each member of staff authorised to sell alcohol is fully aware of his/her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.~~

~~The Licensee to ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under 18s attempting to purchase alcohol.~~

~~3. Refusals Book:~~

~~The licensee to keep a register of refused sales of all age-restricted products (Refusals Book).~~

~~The refusals book to contain details of time and date, description of the attempting purchaser, description of the age-restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.~~

~~The Refusals book to be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.~~

~~The Refusals Book to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.~~

Reason: This now reflects the conditions often sort by Trading Standards to protect children from harm.

Removal

Appendix 1 – Special Policy (Culmaltive Impact Policy)

This has been removed from the new policy due to the COVID pandemic as premises are now struggling and it appears that the need for it no longer exists. However, should it be shown there is a need for such a policy in the future, it could be reintroduced.

There are other minor amendments where the policy has been word crafted or amended slightly to provide greater clarity or to meet the requirements of legislation.



Meeting:	Council
Meeting date:	Friday 11 December, 2020
Title of report:	Leader's report to Council
Report by:	Leader of the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on the work of the Cabinet since the previous meeting of the Council and an annual report on the priorities of the Cabinet and progress made in meeting those priorities. A brief summary of decisions taken by the executive is provided at appendix A and all decision reports and notices are available on the council's website.

The report provides a summary of progress made against the areas of focus identified in the County Plan. More detail about the council's performance and how that is reported is available on the performance management page of the [council's website](#).

Recommendation(s)

That:

- (a) **The report be noted.**

Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

Key considerations

Further information on the subject of this report is available from
John Coleman, Tel: 01432 260382, email: John.Coleman@herefordshire.gov.uk

1. I am pleased to provide to Council with my report covering the period 2 October to the date of this report, 3 December.
2. COVID 19 has continued to dominate affairs in the County and Country as a whole. Councillors continue to receive weekly updates from the Chief Executive, and the Cabinet has continued through this crisis to receive a weekly briefing from the Chief Executive and the Director of Public Health. Infection levels have continued to vary in our county, and particularly in our towns, notably in Hereford where the highest incidence of infection was for a period south of the Wye. I am grateful to the councillors, officers and local volunteers who helped to distribute leaflets in November to urgently raise the alert levels for residents in the worst affected areas.
3. While the increase in the rate per hundred thousand in mid November was of concern, levels have now returned to being closer to those with which we were familiar. Leaving lock down and entering into the new Tier 2 measures presents new challenges which I am confident the people of Herefordshire will rise to. I urge all residents to follow the new rules which, we recognise, will be especially difficult as we enter the Christmas period.
4. We do not know how we will fare as this level of restriction changes. The Council will do what it can to influence decisions to ensure that the best is achieved for the County.
5. Since my last report significant new developments have taken place that will give us all hope. Vaccines have now been produced that give tangible cause for optimism that this public health emergency may soon be entering a new less deadly phase. The initial volume of vaccines will be relatively small and will be distributed to those who are the most vulnerable, or supporting the most vulnerable, in our care homes and hospitals. The reality is that the roll-out of vaccines for the next priority groups and the wider population over the age of 18 will take longer – probably several months longer.
6. This was going to be Alistair Neill's last full Council meeting but another one has been now been put in the diary. However we do say goodbye to Karen Wright, our Public Health Director. We all offer our thanks to both Alistair and Karen, for their work for Herefordshire Council and our County and our very good wishes with their new endeavours and future plans. Alistair has led the Council through a period of considerable austerity, requiring the Council to make some difficult decisions, which has put the Council in much better position than others to face this current crisis. I know that special thanks to Alistair will be offered at the meeting by various Councillors.
7. Our local efforts in dealing with Covid 19 must, of course, continue. I was pleased that the Employment Panel approved the appointment of Rebecca Howell-Jones as Acting Director of Public Health, following consultation with Public Health England, the Faculty of Public Health and Herefordshire and Worcestershire Clinical Commissioning Group. Rebecca joined us as a Public Health Consultant in June 2018 and took up the role as Acting Director of Public Health from 1 December 2020.
8. The recruitment of a new Chief Executive is also underway with recruitment planned to be concluded early in the New Year
9. Notwithstanding the ongoing public health crisis the Cabinet has continued to move forward in delivering the ambitions set out within our County Plan. Detail is given in the report below but of particular note is –
 - 9.1. **Agreeing the Delivery Plan 2020/22:** The delivery plan would normally be developed and agreed in April but due to the extraordinary circumstances of the

COVID-19 pandemic, the delivery plan has been delayed due to the uncertainties and to ensure plans incorporate activities that address the ongoing impact of the pandemic. This delivery plan covers the 18 month period of November 2020 to April 2022, recognising the delay in the production of the plan and the medium to longer term nature of the projects and work programmes. The delivery plan identifies the work programme that progresses the ambition within the County Plan with a focus on the environment, our communities and our economy. Each of the projects contribute to one or more of the objectives set out in these priority areas.

- 9.2. **Equality Policy:** A new 3-year Equality Policy has been published. The policy is hugely important from a Council culture perspective and also demonstrates our compliance with the Equality Act 2010. It makes reference to the inequalities highlighted by the Covid-19 pandemic, and declares our solidarity with people who are protesting against racism. For the first time, the Equality Policy incorporates a reference to the council's Armed Forces Covenant. Within this document we have committed to identifying the armed forces as a distinct group, paying due regard to their needs in education, housing, and when recruiting, and routinely asking customers whether they are a member of this community.
- 9.3. **Hillside Care Centre – Care Quality Commission (CGC) inspection:** In October, the Hillside Care Centre opened its doors to the CQC inspection team. The inspection went well and it has been confirmed that Hillside meets all required standards to be used as a designated setting to receive residents recovering from Covid-19. This is a very important development for both the service and for the residents of Herefordshire as we enter the winter period and new Tier 2 restrictions of Covid-19 pandemic. The reopening of the centre was planned in order to provide resilience against shortages of appropriate accommodation following the flooding in February, but has satisfied a much greater purpose in relieving pressure on the NHS due to Covid. Its use has been broadened as a community resource and as a test bed for what we might do in future.
- 9.4. **Discharge to Assess (D2A):** There has been overall approval by system partners of the Council's application for additional discharge to assess funding. The funding will be utilised to put in place additional resources including an increase in D2A beds and additional staffing for the Home First service alongside additional staff to support the flow of patients through the discharge process to home or to a care setting. This approval has come at a time where we can see emerging increased discharge pressures related to the impact of a resurgence of Covid-19 alongside the NHS having to reintroduce elective care procedures and manage wider general winter issues.
- 9.5. **Talk Community support with free school meals:** Talk Community has worked in partnership with community organisation 'The Living Room' to fund essential food supplies and lunches to families who receive free school meals during the October half term. Wellbeing Information and Signposting for Herefordshire (WISH) is also the central local directory that has all the communities and businesses providing free food during this time. The Talk Community outreach kitchen based at Hillside Care Centre was launched on Thursday 15th October. Working with Cllr Paul Rone and local volunteers, the kitchen is now providing nutritious, value for money hot takeaway food for the local community on Thursdays, Fridays, Saturdays and Sundays. I hear the Sunday lunch is particularly good!
- 9.6. **Talk Community Hubs:** Two new Talk Community hubs have been recently launched offering increased support to local communities. The first is run by the

Ross-on-Wye Community Development Trust via Ross Good Neighbours scheme and the second is run from the Hinton Community Centre.

- 9.7. **Repairs to the B4224 in Fownhope:** The design development of the works to repair the failed retaining wall on the B4224 at Fownhope have now been completed. The advance works to divert British Telecom (BT) cables have been completed and the main repair works began on 2nd November. The programme of works runs into early 2021, with the road scheduled to be reopened in February 2021.
- 9.8. **Strategic Housing:** As part of the 'Everyone In' initiative, the national Next Steps Accommodation Programme (NSAP) made financial resources available to support local authorities and their partners to prevent people from returning to the streets. Herefordshire Council submitted a significant bid for the funding and we have been awarded a package of revenue and capital funding. The Housing Solutions team will administer the revenue funding to cover the ongoing cost of temporary accommodation, Bed & Breakfast and provide continuing support for the homeless.
- 9.9. **Environmental Health and Trading Standards:** Officers from Environmental Health and Trading Standards (including licensing) continue to undertake joint patrols with the police to ensure public protection and compliance with the new Tier 2 Covid restrictions and guidance. In achieving this, our officers are taking a proportionate yet firm approach in advising business on compliance, then revisiting those businesses - only issuing fixed penalty notices if they remain non-compliant after advice has been given. So many council officers have gone the extra mile to enable us to respond to Covid. I hesitate to commend any particular group but I think this is appropriate with our team in Environmental Health. I think they thought they had seen everything and then the Avian Influenza outbreak occurred. They have done a fantastic job. I would ask for patience from everyone in respect of any deterioration in fulfilling their normal duties some of which they have had to give lower priority.
- 9.10. **Covid 19 business grants:** In October we were notified of the financial allocation for Herefordshire our priority as a cabinet is to ensure this this funding gets out to the businesses who need it as quickly as possible. Thanks to the finance team for getting those grants out.
- 9.11. **Council carbon reduction:** Green Homes Grants - implementation is starting on the £1m scheme for which we have recently received funding, to support energy efficiency works in homes of people in fuel poverty.
- 9.12. **Fastershire:** We are now up to 92.1% superfast coverage, and will be at 94% by March 2021 and we now have much better Full Fibre coverage than the UK average - Herefordshire 27% vs UK 17%. We're now moving on to Stage 5 grants to try to reach the hardest-to-reach areas. This is no comfort for the remaining 2,100 properties that do not have a service. The Council is conscious of the frustration caused to the occupiers of these properties and is working to secure connectivity as soon as practical.
- 9.13. **Signs of Safety:** We had a launch event that had c.250 people attending including some councillors. We heard about some of work in practice from social workers that really evidenced how practice can be child focused and achieve important changes for families. As part of the Signs of Safety work there is a Children and Families Survey launched to understand the views of children and families on how

we are working with them to improve their safety and wellbeing. This will be completed by 18th December and will provide an important benchmark that we can then review our progress against.

- 9.14. **Peer on Peer Sexual Abuse Review.** I was pleased that this review has resulted in a series of recommendations which will improve the way in which children in our schools are safeguarded in this regard. The practices which have emerged will enable us to influence this nationally.
10. It would be remiss of me not to mention the very grim economic picture presented by the Chancellor of the Exchequer in his recent spending review. There are some eye-watering statistics about the state of the UK economy and financial outlook which are set to remain with us for some years to come. We, like every other local authority across the county, will have some difficult times ahead as we enter a very challenging economic and budgetary period.
11. The Budget planning process has been under way in the Council for some time. Consultation began last week and will continue into the New Year. It is regrettable, but unavoidable, that the many years of austerity are not at an end. This situation also affects the Council, business and individuals alike. An element that is different from Central Government is that we cannot borrow money to fund current spending. We must have a balanced current spending budget.
12. A list of the decisions taken by cabinet and cabinet members since the last report to Council (covering the period between 2 October to 3 December 2020) is provided at appendix A. Details of all these decisions, and of those taken by officers under delegated authority, are published on the councillors and democracy pages of the council's website.
13. Since my last report, two key decision was taken under the general exception provisions (giving more than five but less than 28 days' notice). Two were taken under the urgency provisions (less than five days' notice) and no decisions were subject to call in. As identified in appendix A

Reporting progress against stated commitments in the Delivery Plan

14. The following table provides a brief summary of the council's 'month 1' progress against the priorities we have set out to in our delivery plan (adopted 26 November). Whilst there are a number of projects planned, the proposed top strategic priorities for delivery in the coming years are:
- I. Delivery of affordable homes built to strong environmental standards
 - II. Improving the digital connectivity of the county
 - III. Creating jobs and skills that enable our residents to earn higher wages
 - IV. Creating a modern and resilient transport network within the City and County

Our progress to date...

<i>Our Delivery Plan says we will...</i>	<i>The steps and decisions we have taken in this reporting period ...</i>
A. Develop new domestic building retrofit programmes to further improve the energy	Green Homes Grant (GHG) Local Authority Delivery (LAD) In October we took an urgent decision to accept the Green Homes Grant (GHG) Local Authority Delivery (LAD) funding of £1,062,500 and

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<p>efficiency of Herefordshire’s housing stock, reducing carbon emissions, improving wellbeing and tackling fuel poverty</p>	<p>to act as accountable body for this project. This money will help significantly the many families and residents who – through no fault of their own – live in in-efficient expensive to heat homes.</p> <p>Fuel poverty remains a significant issue in both Herefordshire and Shropshire, with an estimated 10,682 households thought to suffer from fuel poverty across Herefordshire and a further 16,826 households in Shropshire. Low incomes, above average numbers of older, ‘hard to treat’ properties and poor coverage of the mains gas network leave many homes with expensive heating fuel systems and poor energy efficiency ratings and high relative greenhouse gas emissions.</p> <p>This fund, administered by the Department for Business, Energy and Industrial Strategy (BEIS), is allocating funding to be used to improve the energy efficiency of low-income houses living in Herefordshire and Shropshire. The fund aims to support the green recovery in response to the economic impacts of Covid-19 and to help take low-income families out of fuel poverty.</p>
<p>B. Work with partners to develop and implement a £25m Town Investment Plan for Hereford, to be funded through the Stronger Towns Fund</p>	<p>Stronger Towns Fund accelerated funding. In late 2019 Hereford was included, along with another 99 towns, within the government’s “Towns Fund” Programme. The overarching aim of the Towns Fund is to drive the sustainable economic regeneration of towns to deliver long term economic and productivity growth. 6. The outcome of the Towns Fund process is obtaining a Town Deal with government and the potential to access up to £25m.</p> <p>The process is led by an independent public/private Board. Following very wide consultation led by our independent consultants, approximately 45 initial project ideas were submitted by a wide range of stakeholders in November. There is a diverse range of exciting ideas that have been assessed and the Board met on 1 December to agree a shortlist of project ideas. This shortlisting will lead to further development to form the bid which will be submitted at the end of January. This is a rapidly evolving area of work which I will continue to report on. More information can be found at: https://www.herefordshire.gov.uk/townsfund and https://strongerhereford.co.uk/.</p> <p>Accelerated Funding. In July 2020 government announced that under the Towns Fund programme they were offering Hereford a grant of £750,000 to fund capital projects that can be delivered this financial year. This grant will be used to support capital spend within the intervention framework as set out in the Towns Fund Further Guidance.</p> <p>In September 2020 government confirmed that the council’s submission had been accepted and they awarded the £750,000 in the form of a S31 grant paid directly to the council. Agreeing to receive this grant funding and approving the projects submitted to government will assist in the delivery of the council’s environmental policy commitments and aligns to the following success measures.</p> <ul style="list-style-type: none"> • Reducing the council’s carbon emissions • Work in partnership with others to reduce county carbon emissions

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	<ul style="list-style-type: none"> • Improve the air quality within Herefordshire • Improve residents' access to green space in Herefordshire • Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport <p>Specifically the St Owen's Street cycleway, eBikes and eCargo bike scheme, the Green Space Enhancements project, and the Castle Green Pavilion improvement project will all directly impact on the success measures above by either reducing the carbon emissions associated with travel and accommodation, or increase the trips undertaken by sustainable modes of travel.</p>
<p>C. Continue the improvement of the children's safeguarding system to ensure children and families get the right support at the right time, including early help and reduce the number of children needing to be cared for by the council</p>	<p>Our work with Essex, our Local Authority Partner who completed a diagnostic visit of the children's assessment and looked after children and fostering service. They recognised the improvements that have been made including lower caseloads, changing culture overall, good morale, clear vision and approach by managers, fewer number of children supported by child protection plans. They have set out clear actions to continue our improving quality of practice, particularly in our assessment work, focusing further on children and Specific Measureable Achievable Relevant and Time bound (SMART) actions in assessment and plans.</p> <p>Signs of Safety; Throughout November 160 staff within Children & Families undertook mandatory Signs of Safety training over 5 half day sessions. On the 12th November we launched and celebrated progress made with our exciting work around Signs of Safety as our single practice approach. It will allow tracking of our implementation plans including a baseline survey of children and families receiving our services so we can evaluate progress over time.</p> <p>Tackling Child Exploitation; We have been successful in our bid to gain support from the Children's Society for our multi agency approach to Tackle Child Exploitation. We are now on the national programme and were one of just six local authorities successful in this round of bidding.</p>
<p>D. Delivery of affordable homes built to strong environmental standards</p> <p>Build publicly owned sustainable and affordable houses and bring empty properties back into use</p>	<p>Options for the Delivery of Council Owned Affordable Housing.</p> <p>Herefordshire has experienced a housing affordability gap for a number of years and is regularly identified as having one of the worst house price to earnings ratios in the West Midlands. Based upon median house price to income levels the ratio was 9.82 in September 2018 compared to highest (Malvern Hills) at 11.31 and lowest (Stoke on Trent) at 4.39.</p> <p>The Cabinet recently approve the approach to the delivery housing model options available to the council to increase the supply of affordable housing in the County. Cabinet also approved a Phase 2 of this strategic work to develop a pipeline of sites suitable for development as affordable housing to support discussions with key partners including Homes England.</p>

	<p>The County Plan 2020-2024 sets out the council’s ambition to provide 1,000 affordable housing units in the county. The term affordable is taken in its widest sense – to provide a range of housing that is genuinely affordable to both rent and purchase given local earnings.</p> <p>The council has not owned its own housing stock since 2002 and this review has therefore been undertaken as to the most appropriate role for the council in delivering its ambition. The options and delivery proposals suggested recognise the structures already in place and available to the council.</p>
<p>E. Increase the proportion of care leavers in touch, in suitable accommodation and in Education, Employment or Training</p>	<p>Supported accommodation for care leavers – Development of a local framework.</p> <p>Cabinet, on 1 December, approved the procurement and launch of a new local framework for the arranging and purchase of support and accommodation for care leavers and some looked after children who are 16+ years old. The services will support young people to secure accommodation and develop their skills and resilience and provide opportunities for training and employment, engagement with relevant services and participation in their communities, to enable them to move towards independent living.</p> <p>There are currently limited options for accommodating care leavers and 16 and 17 year old looked after children in Herefordshire. There is a reliance on “out of county” specialist placements, spot purchased at significant cost, and of varying quality. There are also gaps in support for young people at risk of homelessness.</p> <p>Young people require safe and affordable accommodation, aligned to support towards increased independence, underpinned by realistic opportunities for learning and work. This procurement process will commence in January 2021, with procurement evaluation, confirmation of contract, placement arrangements and administrative processes taking place over February and March 2021.</p> <p>This will complement newly commissioned accommodation and support services for care leavers and vulnerable young people and support the vision and principles of the looked after children and complex needs placement sufficiency strategy 2019-2024. The placements will be led by the needs of the young people to achieve positive outcomes to deliver sufficiency, quality and sustainability of appropriate placement provision as well as value for money in Herefordshire.</p>
<p>F. Creating jobs and skills that enable our residents to earn higher wages</p> <p>Continue to support development of the Hereford Enterprise Zone, including completion &</p>	<p>Spending of £5,432k LEP funding that was allocated to further develop the Hereford Enterprise Zone. In October, the cabinet member for Environment, Economy and Skills approved the spend of the council successful bid for the £5,432k Growth Deal funding from The Marches Local Enterprise Partnership (LEP) to undertake additional infrastructure work at Hereford Enterprise Zone (HEZ).</p> <p>The HEZ is the Government’s designated government Enterprise Zone for the Marches Local Enterprise Partnership. The primary objective for Enterprise Zones is to become a catalyst for enhanced economic</p>

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<p>successful operation of the Shell Store business incubation centre and the Midlands Centre for Cyber Security, to deliver new high-skill job opportunities</p>	<p>growth. A specific company, Hereford Enterprise Zone Limited was set up to oversee progress with a private sector led Board. The council are represented on the Board by both elected members and by senior officers.</p> <p>The aim has been to maximise private sector investment and generate higher value jobs, using the Enterprise Zone status, profile and benefits to do that. Considerable progress has been made in the HEZ. At the end of 2019/20, over 51 acres of land had been sold or was committed to development. 56,500 sqm of workspace had been developed or committed. 43 businesses have moved onto the HEZ and these businesses are currently employing 792 people. A further 1,000 job opportunities are expected to be generated from the total project investment to date. One of the principal reasons for that success has been the prior preparation of the land so it is development ready. This has meant that investors can purchase the land with the confidence that they can move on immediately and concentrate on building construction and then occupation.</p> <p>These have included private businesses wanting to buy and develop out their own plots (end occupiers); property developers who would buy tracts of land to develop out multiple buildings to sell on and rent and institutional investors who would look to support comprehensive development schemes through joint investment packages.</p>
<p>G. Work with private sector partners to support the growth of the tourism industry across Herefordshire building on our strengths of outdoor activities, heritage & culture; and support the development of a destination business improvement district</p>	<p>Endorsement of the Herefordshire Cultural Strategy 2019-2029</p> <p>The council has been an active member of the Herefordshire Cultural Partnership for a number of years. Through its membership of the Herefordshire Cultural Partnership and support for other projects such as Herefordshire's A Great Place, the council has had a central role in the development of the Cultural Strategy. The strategy has four priority objectives. These are Herefordshire as:</p> <ul style="list-style-type: none"> • a Great Place providing a resilient cultural infrastructure supporting people who live work and visit the county; • listening to children and young people and connecting them to creativity and culture; • building and supporting vibrant and creative economies; ensuring the arts and culture are available to everyone; • and raising Herefordshire's national and international profile through cultural tourism. <p>Each of these priorities align with and support the council's wider social, economic and cultural priorities as outlined in the Herefordshire Council County Plan 2020-2024. Endorsement of the strategy will provide extra support for potential funding bids to promote investment in creative skills and talent.</p> <p>Supporting the visitor economy</p> <p>A group of businesses from across the visitor economy have come together to lead the delivery of a marketing and PR campaign to support Herefordshire's recovery from Covid 19, freely volunteering</p>

	<p>their time and expertise to support the local economy at this critical time.</p> <p>In May the Marches Local Enterprise Partnership (LEP) approved a £444,220 grant for a Herefordshire. Herefordshire Council and Herefordshire Business Board worked in partnership to develop a business case to secure these funds. The steering group includes leading representatives from accommodation, hospitality, food and drink, attractions, events etc sectors from across the county. Two local businesses have been procured to lead the marketing and PR campaign which has included engaging many businesses from across Herefordshire. It's the first time in nearly 10 years that the private and public sector have been able to come together to promote the county on this scale, developing a joint marketing plan, identifying target markets, and reviewing and refreshing the county's branding.</p> <p>The initial Apples for Autumn and cider trails campaign has generated a significant level of national media coverage over the in the first few weeks, some of the coverage can be found here: https://fionareecept.coveragebook.com/b/7581012fa5bce95a.</p> <p>In the coming weeks the group will be leading the development of a marketing campaign that will commence in early 2021 to encourage people to choose Herefordshire for their staycation visits in 2021, this will include the development of a new, modern website.</p>
<p>H. Complete the review of governance arrangements and implement new arrangements and constitution</p>	<p>Constitutional arrangements</p> <p>Increased involvement in the democratic process is important to us. To realise this, we shall complete the promised governance review for the council so as to increase the opportunity for the involvement of all elected representatives in decision-making.</p> <p>At our October council meeting we agreed to move forward as an authority with a new hybrid cabinet model of governance with implementation effective from annual council in May 2021. Work is progressing with the second phase of this work with the rethinking governance working group with focus groups taking place during December and January. It is fundamental that the skills, insights and experiences of all elected members are offered up to influence these important changes to our working practices.</p>

Community impact

15. The County plan shapes the future of Herefordshire and aims to encourage and strengthen our vibrant communities, create a thriving local economy and protect and enhance our environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business. The plan guides the work of the council and our relationship with individuals, families, communities and partners over the next four years. Our recently published delivery plan outlines the detailed work that we have committed to delivering over the next eighteen months.

16. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

Environmental Impact

17. A central underpinning of Herefordshire Council's County Plan is healthy, connected and vibrant ecosystems strongly support the local economy, improve health and wellbeing and make the county an attractive place to live and to visit. It is a commitment of the plan to protect and enhance this environment while stewarding it for future generations.
18. The council's delivery plan is underpinned by the commitment of this executive to use our unique role as leaders of the places we represent to help people feel safe, supported and proud of our unique and beautiful environment and we shall tackle the climate challenge through new approaches to sustainability. In doing this we will base our work on the lessons we have learned, what our residents and businesses tell us and our understanding of what our county needs for a successful future.

Equality duty

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

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

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

Resource implications

22. There are no financial implications arising from the recommendations of this report. The financial implications of any decisions of the executive listed at appendix A have been set

out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

Legal implications

23. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the Cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council, on the priorities of the cabinet and (except in a year when there are ordinary elections) progress made in meeting those priorities. Appointment of cabinet members and allocation of portfolio responsibilities are responsibilities of the Leader of the Council, and the constitution requires that any changes are subsequently reported to Council. This report ensures these requirements are met.
24. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken

Risk management

25. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix 1 have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

Consultees

26. None.

Appendices

- Appendix A - Executive decisions taken from 2 October to 3 December, 2020.
- Appendix B – Cabinet Member Portfolios

Background papers

None

Executive decisions taken from 2 October 2020 to 3 December 2020.

	Decision and purpose	Decision Type	Implementation Date	Taken by
	1. Building maintenance, small works and cleaning services for Herefordshire Council: The council building maintenance and cleansing services were amalgamated under a single contract, which was procured through an open market tender exercise and this contract is due to terminate on the 31 March 2021. This contract now needs to be procured for a period from 1 April 2021 to 30 April 2023	Key General Exception	2 October, 2020	Cabinet member commissioning, procurement and assets
	2. Public Realm Commuted Sums - Spend Allocation: Commuted sums are collected by the council to maintain new assets when adopted within the public realm. This commuted sum is intended to ensure the costs of maintaining the new highway and public open space asset, when adopted, is funded. This report sets out the process for allocating monies collected to date, over the previous five year period, which have not yet been spent to date to be allocated towards the public realm contract for maintenance purposes for which they were required. The intention is to invest the current commuted sums into the public realm over the next 5 year period which is broadly the period over which they have been collected as set out in the recommendation and report.	Key	5 October, 2020	Cabinet member Infrastructure and transport
173	3. Approval to Spend £5.432k o the Marches Local Enterprise Partnership Funding That Was Allocated To Further Develop The Hereford Enterprise Zone: The council has been successful in bidding for and securing £5,432k Growth Deal funding from The Marches Local Enterprise Partnership (LEP) to undertake additional infrastructure work at Hereford Enterprise Zone (HEZ). This report seeks approval for the funds to be spent to deliver that additional infrastructure.	Key	5 October, 2020	Cabinet member environment, economy and skills
	4. Weston Under Penyard: A40 Road Improvement Scheme: S106 Works: To approve the allocation of highway contributions secured by way of S106 agreement to deliver works through the public realm contract in conjunction with the programed resurfacing scheme approved by the Cabinet Member in April, 2020, as set out in the Public Realm Service Annual Plan 2020/21 report and appendices. These works to be done using S106 monies comprise engineering features and road markings which will change the environment of the village and reduce the speed through the village.	Non-Key	6 October, 2020	Cabinet member Infrastructure and transport
	5. Hereford Transport & South Wye Packages Review: This report seeks Cabinet member approval to confirm an extension to the programme for the Hereford transport review for completion to the end of September 2020, and to increase the budget for works to cover this extended period which includes provision for technical support to the subsequent decision making process.	Non-Key	9 October, 2020	Cabinet member Infrastructure and transport
	6. Equality Policy 2020-2023: The council's previous Equality Policy expired in January 2020, and this new policy is designed to run from 2020-2023. It is a key decision because it is	Key	13 October, 2020	Cabinet member finance

	Decision and purpose	Decision Type	Implementation Date	Taken by
	significant in its impact on the community. The policy sets out our commitment to equality and details some of the main initiatives that we already undertake, and some actions to which we are committing. Its audience will be both internal (members of staff) and external (public). It will be published on our website and on our intranet. An internal communication will promote it to staff.			and corporate services
7.	Fostering and Adoption Service Annual Reports 2019/20: To review Adoption and Fostering Services performance and approve related documents 2019 - 2020	Non-Key	15 October, 2020	Cabinet
8.	Endorsement of the Herefordshire Cultural Strategy 2019-2029: The council has been an active member of the Herefordshire Cultural Partnership for a number of years. Through its membership of the Herefordshire Cultural Partnership and support for other projects such as Herefordshire's A Great Place, the council has had a central role in the development of the Cultural Strategy. The strategy has five priority objectives. These are Herefordshire as a Great Place providing a resilient cultural infrastructure supporting people who live work and visit the county; listening to children and young people and connecting them to creativity and culture; building and supporting vibrant and creative economies; ensuring the arts and culture are available to everyone; and raising Herefordshire's national and international profile through cultural tourism. Each of these priorities align with and support the council's wider social, economic and cultural priorities as outlined in the Herefordshire Council County Plan 2020-2024.	Non-Key	15, October, 2020	Cabinet
9.	Review of Waste Management Services: To seek the views of the cabinet member in response to the councils collection and disposal contracts expiring in 2023/24 there is an opportunity to review the service and how it will operate going forward so the modelling work evaluates the current waste collection and disposable methods adopted by Herefordshire Council. This report identifies and evaluates alternative approaches, based on the recommendations put forward by the General Scrutiny Committees on the agreed recommendations made by the Waste Task and Finish Group to 'shortlist' the options to be put forward for public consultation with a view to bringing back a preferred option to cabinet in Spring 2021. In 2018 the Government released 'Our waste, our resources, a strategy for England' which sets out how England will minimise waste, promote resource efficiency and move towards a circular economy. The Council seeks to align its proposals with the actions that will be taken now and the longer-term policy direction set out by Government.	Non-Key	26 October, 2020	Cabinet member commissioning, procurement and assets
10.	Acceptance and implementation of Local Authority Delivery (LAD) funding project: In October we took an urgent decision to accept funding from to accept the Green Homes Grant (GHG) Local Authority Delivery (LAD) funding of £1,062,500 and to act as	Key General Exception	27 October, 2020	Cabinet member environment,

	Decision and purpose	Decision Type	Implementation Date	Taken by
	<p>accountable body for this project. This money will help significantly the many families and residents who – through no fault of their own – live in in-efficient expensive to heat homes.</p> <p>Fuel poverty remains a significant issue in both Herefordshire and Shropshire, with an estimated 10,682 households thought to suffer from fuel poverty across Herefordshire and a further 16,826 households in Shropshire. Low incomes, above average numbers of older, ‘hard to treat’ properties and poor coverage of the mains gas network leave many homes with expensive heating fuel systems and poor energy efficiency ratings and high relative greenhouse gas emissions.</p>			economy and skills
11.	Herefordshire Streetworks permit scheme: The report proposed the implementation of the Hereford Permit Scheme thereby meeting the requirements of the new Street Manager regulations and enabling the better management and co-ordination of works on the highway by applying conditions. The permit scheme will be managed by Balfour Beatty Living Places (BBLP) through the public realm contract..	Non-Key	29 October, 2020	Cabinet member Infrastructure and Transport
12.	2021/22 budget setting and consultation: To recommend the approach for consultation to inform the 2021/22 budget and developing the medium term financial strategy (MTFS). Cabinet is required to publish its timetable for making proposals to Council for the adoption of the MTFS, its capital budget and setting a revenue budget, and its arrangements for consultation.	Non-Key	29 October, 2020	Cabinet
13.	Approach to the Core Strategy review and update in the light of the Planning for the Future White Paper: To agree to undertake a comprehensive update of the Herefordshire Local Plan Core Strategy, following a review of the adopted plan, in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Frameworks and to make any consequential amendments to the Council’s approved Local Development Scheme, including incorporating the preparation of a Community Infrastructure Levy.	Key	9 November, 2020	Cabinet member Infrastructure and transport
14.	Covid 19 Additional Restrictions Grant Scheme: Approval to accept and spend the Additional Restrictions Grant (ARG) funding (£3,856,020) allocation from government, to support businesses affected by the second national Covid 19 lockdown period, and any future periods of restriction up to the end of March 2022. This decision is specific to the Additional Restrictions Grant. The national guidance indicates that the council can use this funding for business support activities but it is expected to primarily take the form of discretionary grants to businesses to support them through period of trade restrictions due to Covid 19. The offer letter implies that this allocation is for the current national and any future national or local restrictions (the funding will not be refreshed) through to the end of March 2022.	Key Special Urgency	24 November 2020	Cabinet member environment, economy and skills

	Decision and purpose	Decision Type	Implementation Date	Taken by
15.	Homes England Investment Partner Status: Investment Partner status is awarded by Homes England following an assessment to verify the applicant's organisational status and a due diligence process which considers the applicant's financial and technical capacity to undertake an agreed programme of new housing supply and the organisations good financial standing. Homes England have a range of funding programmes that focus on the development of affordable housing and housing that addresses specific housing needs e.g. homelessness and specialist care.	Non-Key	24 November, 2020	Cabinet member environment, economy and skills
16.	Accommodation Based Support Service for Young People: Approval of a three month direct award of a contract for accommodation based support service for young people for the period to 31 st January 2021. The contract is due to end on 31 st October 2020 and an unavoidable delay has resulted a request for a direct award to extend to 31 st January 2021. Once approved a waiver will be requested. Procurement will commence for a new housing related support service for young people in June 2020, with mobilisation aligning with the completion of building works and the end of the existing supported accommodation for young people contract on 31 st October 2020, it is planned that the new service would commence on 1 November 2020.	Non-Key	26 November, 2020	Cabinet member health and adult wellbeing
17.	Review of peer on peer abuse cases: To receive the outcomes of the review; to agree the recommendations arising from the review; to approve the executive response to the scrutiny committees recommendations on the report of the review and to approve the peer on peer model guidance for use in all Herefordshire Schools.	Non-Key	26, November, 2020	Cabinet
18.	Delivery Plan: To agree proposals for the council's Delivery Plan 2020-22. Each year Cabinet is required to produce a delivery plan which sets out how the strategic ambitions within the council's County Plan will be delivered and monitored.	Key	26 November, 2020	Cabinet
19.	Quarter 2 Budget and Performance: To review the performance for quarter 2 of the 2020/21 and the budget forecast. This report provides assurances that progress is being made towards the achievement of the agreed revenue budget and service delivery targets, and that the reasons for the major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. The 2020/21 forecast outturn is a £14, 790k overspend as at the end of September, 2020	Non-Key	26, November, 2020	Cabinet
20.	Hereford Towns Fund accelerated funding: This decision sought approval to accept this grant funding from government and approval for the funds to be spent on delivering the projects submitted to government. The council has been successful in securing £750k Towns Fund accelerated Finance from government to deliver a programme of projects across Hereford City that will provide economic and environmental benefit.	Key	26, November, 2020	Cabinet
21.	Options for the delivery of Council Owned Affordable Housing: To approve the approach to the delivery housing model options available to the council to increase the supply of affordable housing in the County. Cabinet is also requested to approve Phase 2 of	Key	26, November, 2020	Cabinet

	Decision and purpose	Decision Type	Implementation Date	Taken by
	<p>this strategic work to develop a pipeline of sites suitable for development as affordable housing to support discussions with key partners including Homes England. The County Plan 2020-2024 sets out the council's ambition to provide 1,000 affordable housing units in the county. The term affordable is taken in its widest sense – to provide a range of housing that is genuinely affordable to both rent and purchase given local earnings. The council has not owned its own housing stock since 2002 and a review has therefore been undertaken as to the most appropriate role for the council in delivering its ambition. The options and delivery proposals suggested recognise the structures already in place and available to the council.</p>			
22.	<p>Supported accommodation for care leavers – Development of a local framework: To approve the procurement and launch of a new local framework for the arranging and purchase of support and accommodation for care leavers and some looked after children who are 16+ years old. The services purchased via the framework will support young people to secure accommodation and develop their skills and resilience and provide opportunities for training and employment, engagement with relevant services and participation in their communities, to enable them to move towards independent living.</p> <p>There are currently limited options for accommodating care leavers and 16 and 17 year old looked after children in Herefordshire. There is a reliance on “out of county” specialist placements, spot purchased at significant cost, and of varying quality. There are also gaps in support for young people at risk of homelessness. Young people require safe and affordable accommodation, aligned to support towards increased independence, underpinned by realistic opportunities for learning and work.</p> <p>The new framework will complement newly commissioned accommodation and support services for care leavers and vulnerable young people and support the vision and principles of the looked after children and complex needs placement sufficiency strategy 2019-2024. The placements will be led by the needs of the young people to achieve positive outcomes. The local framework will support the strategy to address the sufficiency, quality and sustainability of appropriate placement provision as well as value for money in Herefordshire.</p>	Key	1 December, 2020	Cabinet
23.	<p>Minerals and Waste Local Plan (MWLP): To consider the Herefordshire Minerals and Waste Local Plan (MWLP) development plan document for pre-submission publication, in accordance with regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended), prior to its consideration at Full Council on 11 December 2020. The report also sets out the recommendations of General Scrutiny Committee on 28 September 2020 in relation to the MWLP and to refer the MWLP</p>	Budget and Policy Framework Item	1 December, 2020	Cabinet

	Decision and purpose	Decision Type	Implementation Date	Taken by
	to Council, with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing, in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.			
24.	Peterchurch Primary School Rebuild - Developed Design: To approve the proceeding to the next stage of the rebuilding of Peterchurch Primary School, on the existing site, by commissioning a developed design (Royal Institute of British Architects (RIBA) Stage 3) for a traditional and/or modular build. The design brief will include a requirement that the building must achieve net zero carbon emissions and obtain a green building certificate. As a minimum it should receive Passivhaus certification. The developed design will include the coordinated architectural, structural and building services design and updated cost information.	Key	3 December, 2020	Cabinet
25.	Purchase of accommodation and refurbishment of 4 & 5 Blackfriars Street to meet strategic housing priorities, as a consequence of the restrictions caused by Covid-19: To approve the acquisition of eight properties and to undertake the refurbishment of numbers 4 & 5 Blackfriars Street, Hereford. This will enable the council as part of the Covid-19 emergency response to accommodate those who have a long and/or repeated history of rough sleeping. The eight properties would be self-contained accommodation suitable for homeless clients with disabilities and /or accessibility issues. 4 & 5 Blackfriars Street would be used as accommodation for homeless applicants prior to resettlement into sustainable accommodation.	Key Special Urgency	3 December, 2020	Cabinet
26.	Hereford Transport Strategy Review: To consider the findings of the Hereford Transport Strategy Review and the Peer Review of the South Wye Transport Package and Hereford Transport Package, recommendations made by the general scrutiny committee and determine any strategy proposals to be taken forward.	Key	3 December, 2020	Cabinet

Section1 - Cabinet member portfolios

Leader (corporate strategy and budget): Councillor David Hitchiner

Support members: Councillor John Hardwick; Councillor Peter Jinman (European and national matters); and Councillor Alan Seldon (LGA/CCN)

- Corporate policy and strategy
- Corporate budget
- External liaison and relationships
 - Local Government Association (LGA)/County Councils' Network (CCN)
 - European and national matters
 - Regional matters
 - Marches Local Enterprise Partnership
 - NMiTE
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any initiative not specifically allocated to any other portfolio

Children and families: Councillor Felicity Norman (Deputy Leader)

- Deputise for the leader of the council in his absence
- To provide leadership and ensure coordination across the range of council children's services, and through engagement with partners, with a particular focus on children and young people's health & wellbeing, safeguarding, education and attainment
- Services for vulnerable young people/children/families
- Lead member for children's services in accordance with the Children's Act 2004
- Children and young people's education and attainment
- Corporate parenting
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Commissioning, procurement and assets: Councillor Gemma Davies**Support member: Councillor Jenny Bartlett (parish shared services and assets)**

- Commissioning and procurement strategy and policy
- Contract management policy
- Waste management strategy
- Waste collection and disposal
- Council asset and property strategies
- Council property services including facilities management
- Common land
- Community services:
 - Parks and countryside
 - Leisure Services
 - Cultural services
 - Libraries
 - Heritage Services
 - Archives
 - Public conveniences
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Environment, economy and skills: Councillor Ellie Chowns

- Economic development and regeneration (including development and regeneration programme and partnership)
- Tourism
- Post 16 education, training and skills development
- Environmental promotion, protection and sustainability including response to climate emergency.
- Broadband
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Finance and corporate services: Councillor Liz Harvey

- Agreeing and leading the process for developing revenue and capital budgets, medium term financial strategy, council tax and NNDR
- Financial policy, fees and charging policy, financial control and reporting
- Council tax benefits
- Council ICT services
- Human Resources
- Information governance and modern records
- Equality and human rights
- Health and safety, emergency planning and business continuity
- Performance, improvement, risk management, research and intelligence
- Land charges
- Legal and democratic services including member development and training
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Health and adult wellbeing: Councillor Pauline Crockett**Support member: Councillor Yolande Watson (adults and communities)**

- Provide leadership and ensure coordination across the range of council adult social care services, and through engagement with partners
- Services for vulnerable adults
- Adult safeguarding
- Leadership of Health and Wellbeing Board and partnership working with health
- Public Health
- Community engagement and development
- Customer services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Infrastructure and transport: Councillor John Harrington

- Transport and highways policy strategy and operations
- Planning, conservation and land use strategies including Core Strategy
- Land drainage, flood alleviation, rivers and waterways
- Public Rights of Way
- Streetscene design, policy and delivery
- Traffic Management
- Car parking policy and services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

Housing, regulatory services, and community safety: Councillor Ange Tyler

- Strategic housing, homelessness, housing allocation and condition
- Communications and web presence
- Bereavement services including Coroner services
- Registration services
- Gypsy and traveller services
- Animal health and welfare
- Environmental health and trading standards
- Markets and fairs
- Licensing
- Community Safety including the Community Safety Partnership
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader



Meeting:	Council
Meeting date:	11 December 2020
Title of report:	Motions on notice
Report by:	Solicitor to the Council

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation

THAT: the motions listed at paragraph 6 are debated and determined by Council.

Alternative options

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

Key considerations

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may be varied at the discretion of the chairman.

6 Two motions have been received and will be debated at the meeting. The motions for discussion are set out below:

Motion 1 – That this Council bestow upon Lady Darnley the title of honorary freewoman of the county

(Proposed by Councillor Sebastian Bowen, Seconded by Councillor Bob Matthews)

That this Council bestow upon Lady Darnley the title of honorary freewoman of the county.

I wish to ask Members at full Council to award Lady Darnley the honour of being appointed an Honorary Freewoman of Herefordshire.

I speak mainly in my capacity as Chairman of Herefordshire Council and an elected representative of the people of Herefordshire in relation to this proposed nomination.

Wherever I have attended events within the County with Lady Darnley, as Lord Lieutenant or in a private role, she has been deeply respected and, may I say, loved in all instances. She has that magic ability to interact effortlessly with everyone she meets, while always retaining their respect and regard as representative on behalf of Her Majesty the Queen and Lord Lieutenant for Herefordshire – a role which she has fulfilled to perfection.

Always dignified but never stuffy she is adept at seeing the funny side of things and putting people at their ease, turning what might have been a rather dull or pompous event into something that instantly becomes relaxed and enjoyable. Having said this, she has always been able, instantly, to sense when formality and solemnity was appropriate and could be the epitome of the Representative of the Monarch while still retaining that easy link with her audience.

As Chairman of Herefordshire Council, it has been my great privilege to get to know Lady Darnley in a wide variety of settings – from accompanying Members of the Royal Family on official visits to the County to seeing her in deep conversation with military cadets as they went about their training in rough parts of Army training areas.

I cannot remember her ever being daunted by any circumstance that came her way, nor ever being stumped for suitable words, appropriate to the people to whom she was talking. She certainly has the ability to talk to anyone, literally from our most valued front line workers to Royal Dukes and treating them all with the same respect and good humour.

I have been impressed by the way that Lady Darnley has established an excellent rapport with the Council itself and has done her very effective best to ensure this close co-operation bears fruit in better working between the Lieutenancy and the Council and better outcomes, in that local organisations, from village shops to small and bigger businesses get the encouragement and support that makes such a difference to their morale and success.

Lady Darnley is always well briefed and is genuinely interested in all those she meets and her genuine interest and easy communication leaves an indelible impression upon all those she meets.

All in all, Herefordshire has been very well blessed to have had the inestimable benefit of having had Lady Darnley as their outstandingly excellent, cheerful and unflappable Lord Lieutenant.

I am sure you will wish to join me in wishing her very well in her retirement and I am very sure she will keep a very close eye on all that goes on in Herefordshire. What more fitting way to mark our farewells to a great citizen and a great representative of Her Majesty the Queen by awarding the highest possible honour that this council can bestow; that of Honorary Freewoman of Herefordshire.

Motion 2 – Climate and Ecological Emergency

(Proposed by Councillor William Wilding, Seconded by Councillor Elissa Swinglehurst)

This motion is in no way intended to suggest that the March 2019 Council declaration of a climate emergency, was not welcome and necessary. On the contrary we wish to make it clear that the previous administrations work, such as this, the introduction of Beryl bikes, reducing the councils carbon footprint, and in many other areas, has shown that this council treats the climate emergency with the utmost seriousness.

This new declaration of a ‘climate and ecological emergency’ follows on from this work, and shows that Herefordshire Council intends to preserve and protect our counties biodiversity and natural capital. It recognises and strengthens our commitment to tackle the ecological emergency.

I therefore propose the following motion;-

That this council, already having declared a ‘Climate Emergency’ in March 2019, wishes to strengthen its commitment by changing this declaration to now say that we ‘declare a Climate and Ecological Emergency’.

7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to six motions considered at earlier meetings of full Council. The resolutions and updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
9 March 2018	Video Casting of Council Meetings	<p>A decision to initiate a procurement process has been delegated to the level of officer decision. A procurement process will be undertaken and a further report will be produced to recommend the appointment of an approved supplier.</p> <p>Under current practice all Council meetings are being run virtually; video-enabled and live-streamed. This experience is feeding into the procurement process and will be in effect until May 2021 at which point the current regulations for remote meetings come to an end.</p>
RESOLVED:		

That, to align this council with best practice elsewhere, the executive is asked:

- a) to consider again the merits of 'up-grading' from audio to live on-line video streaming so that the public meetings of Herefordshire Council and its elected members would be publically open and visible to those unable to attend, and that the recordings should be archived and made available on-line.
- b) To consider a trial period for live video streaming with the opportunity during the trial for feedback from elected members and the public.

Date of meeting	Motion	Current Status
8 March 2019	Eastern City Bridge Protective Corridor	The resolution regarding an Eastern River Crossing is being taken forward via the Cabinet meeting on 3 rd December by report on the Hereford Transport Strategy Review, which includes options around an eastern river crossing.
<p>RESOLVED:</p> <p>That this council asks the executive to consider including in the forthcoming core strategy review a consideration of options for a route corridor for a full city ring road for Hereford to include an Eastern city bridge.</p>		

Date of meeting	Motion	Current Status
12 July 2019	Community Infrastructure Levy	<p>Please see decision taken on the update to the Core Strategy on 9th November:</p> <p>http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296</p> <p>This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the significant proposals for reform of planning obligations in the White Paper</p>
<p>RESOLVED:</p> <p>That this Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.</p>		

Date of meeting	Motion	Current Status
17 July 2020	Tree Strategy	An executive response is being prepared for consideration.
<p>RESOLVED:</p> <p>We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.</p> <p>The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.</p> <p>Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.</p>		

Date of meeting	Motion	Current Status
9 October 2020	Decline in hedgehog population	An executive response is being prepared for consideration.
<p>RESOLVED: That –</p> <p>A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.</p>		

Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from

all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Equality duty

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

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

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

11 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

Resource implications

12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Legal implications

13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Risk management

14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

Consultees

15 None.

Appendices – none

Background papers – none identified