

Corporate Support Centre
Paul Walker - Chief Executive

To: All members of the Council

our ref: Council - 26 July 2024
contact: Matthew Evans, Democratic Services
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18 July 2024

Dear Councillor,

You are hereby summoned to attend the meeting of the Herefordshire Council to be held on **Friday 26 July 2024** at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely
Claire Porter



Monitoring Officer

AGENDA

Council

Date: **Friday 26 July 2024**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE**

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

For any further information please contact:

Matthew Evans, Democratic Services

Tel: 01432 383690

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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-Chair

Councillor Roger Phillips
Councillor Stef Simmons

Councillor Polly Andrews
Councillor Jenny Bartlett
Councillor Graham Biggs
Councillor Harry Bramer
Councillor Ellie Chowns
Councillor Frank Cornthwaite
Councillor Clare Davies
Councillor Barry Durkin
Councillor Matthew Engel
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Liz Harvey
Councillor Robert Highfield
Councillor Dan Hurcomb
Councillor Jim Kenyon
Councillor Nick Mason
Councillor Aubrey Oliver
Councillor Justine Peberdy
Councillor Ivan Powell
Councillor Ben Proctor
Councillor Louis Stark
Councillor John Stone
Councillor Richard Thomas
Councillor Diana Toynbee
Councillor Rob Williams

Councillor Bruce Baker
Councillor Chris Bartrum
Councillor Dave Boulter
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Pauline Crockett
Councillor Dave Davies
Councillor Mark Dykes
Councillor Toni Fagan
Councillor Carole Gandy
Councillor Peter Hamblin
Councillor Helen Heathfield
Councillor David Hitchiner
Councillor Terry James
Councillor Jonathan Lester
Councillor Ed O'Driscoll
Councillor Rob Owens
Councillor Daniel Powell
Councillor Philip Price
Councillor Adam Spencer
Councillor Pete Stoddart
Councillor Elissa Swinglehurst
Councillor Kevin Tillett
Councillor Allan Williams
Councillor Mark Woodall

Agenda

		Pages
NOLAN PRINCIPLES		9 - 10
1. APOLOGIES FOR ABSENCE	To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	To approve and sign the minutes of the annual meeting held on 24 May 2024.	11 - 18
4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS	To receive the Chairman and Chief Executive's announcements.	19 - 24
How to submit questions		
<i>The deadline for submission of questions for this meeting is: 5:00 p.m. on Monday 22 July 2024.</i>		
<i>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</i>		
<i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at https://www.herefordshire.gov.uk/getinvolved.</i>		
5. QUESTIONS FROM MEMBERS OF THE PUBLIC	To receive questions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE COUNCIL	To receive any written questions from members of the Council.	
7. ADDITION OF CAPITAL BUDGET TO PROVIDE AN ACQUISITION FUND FOR HOUSING PROVISION	To approve the addition of a £5 million capital budget to enable delivery of housing provision.	25 - 32
8. STATEMENT OF GAMBLING POLICY 2024-2027	To review and approve the statement of principles (Gambling Policy) to be applied by the council when exercising its licensing functions under the Gambling Act 2005 (the Act).	33 - 144
9. DESIGNATION OF S151 OFFICER AND SALARY FOR DIRECTOR OF FINANCE POST	To approve employment panel's recommendations for the salary for the new post of Director of Finance and the designation of the post as the statutory s151 officer.	145 - 150
10. LEADER'S REPORT	To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 8 March 2024.	151 - 172

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have 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.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

**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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Council held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 24 May 2024 at 10.30 am

Present: Councillor Roger Phillips (chairperson)
Councillor Stef Simmons (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Jenny Bartlett, Chris Bartrum, Graham Biggs, Dave Boulter, Harry Bramer, Jacqui Carwardine, Ellie Chowns, Simeon Cole, Frank Cornthwaite, Clare Davies, Dave Davies, Barry Durkin, Mark Dykes, Matthew Engel, Toni Fagan, Elizabeth Foxton, Carole Gandy, Catherine Gennard, Peter Hamblin, Liz Harvey, Helen Heathfield, Robert Highfield, Dan Hurcomb, Terry James, Jim Kenyon, Jonathan Lester, Nick Mason, Bob Matthews, Ed O'Driscoll, Aubrey Oliver, Rob Owens, Justine Peberdy, Ivan Powell, Philip Price, Ben Proctor, Adam Spencer, Louis Stark, Pete Stoddart, John Stone, Elissa Swinglehurst, Richard Thomas, Kevin Tillet, Diana Toynbee, Allan Williams, Rob Williams and Mark Woodall

Officers: Chief Executive, Chief Finance Officer, Corporate Director - Economy and Environment, Director of Governance and Law and Democratic Services Manager.

1. ELECTION OF CHAIRPERSON

(The Vice-Chairperson of the Council assumed the Chair during the election of the Chairperson of the Council)

Councillor Polly Andrews proposed and Councillor Peter Stoddart seconded the nomination of Councillor Roger Phillips as Chairperson of the Council.

A vote was taken and Councillor Phillips was elected Chairperson of the Council.

RESOLVED: That Councillor Roger Phillips is elected Chairperson of the Council for the forthcoming municipal year.

Councillor Phillips made the statutory declaration of acceptance of office.

(Councillor Phillips assumed the Chair of the meeting as the Chairperson of the Council)

2. APPOINTMENT OF VICE-CHAIRPERSON

Councillor Ellie Chowns proposed and Councillor Roger Phillips seconded the nomination of Councillor Stef Simmons as Vice-Chairperson of the Council.

A vote was taken and Councillor Simmons was appointed Vice-Chairperson of the Council.

RESOLVED: That Councillor Stef Simmons is appointed Vice-Chairperson of the Council for the forthcoming municipal year.

Councillor Simmons made the statutory declaration of acceptance of office.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pauline Crockett, David Hitchiner and Dan Powell.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

RESOLVED: That the minutes of the meeting held on 8 March 2024 be confirmed as a correct record and signed by the Chairman.

6. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman's and Chief Executive's announcements as printed in the agenda papers.

7. ELECTION OF LEADER OF THE COUNCIL

Councillor Elissa Swinglehurst proposed and Councillor Barry Durkin seconded the nomination of Councillor Jonathan Lester as Leader of the Council.

A recorded vote was taken and Councillor Lester was elected as Leader of the Council.

FOR (25): Councillors Baker, Biggs, Bramer, Cole, Cornthwaite, Clare Davies, Dave Davies, Durkin, Gandy, Hamblin, Highfield, Hurcomb, Kenyon, Lester, Mason, Matthews, Phillips, Ivan Powell, Price, Stoddart, Stone, Swinglehurst, Thomas, Allan Williams and Robert Williams.

Against (1): Councillor Spencer

Abstentions (24): Andrews, Bartlett, Bartrum, Boulter, Carwardine, Chowns, Dykes Engel, Fagan, Foxton, Gennard, Harvey, Heathfield, James, O'Driscoll, Oliver, Owens, Peberdy, Proctor, Simmons, Stark, Tillett, Toynbee and Woodall.

RESOLVED: That Councillor Jonathan Lester is elected Leader of the Council for the forthcoming municipal year.

8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

Council considered a report by the solicitor to the Council relating to appointments to committees of the Council and outside bodies in line with the rules of political proportionality. The Chairman outlined the supplement published on 23 May to include a change to the recommended allocation of seats under paragraph 11 of the report. Council also noted the publication of a supplement on 24 May 2024 containing an updated appendix 2 with details of the number of these seats on the scrutiny management board and the allocation of seats to political groups.

Recommendation (a)

Councillor Roger Phillips proposed and Councillor Dan Hurcomb seconded recommendation (a) which was carried.

RESOLVED: That the list of ordinary committees listed at paragraph 10 are confirmed with their terms of reference as set out in the council's constitution.

Recommendation (b)

Councillor Roger Phillips proposed and Councillor Elissa Swinglehurst seconded recommendation (b) – as updated by the supplement published on 23 May 2024 –which was carried.

RESOLVED: That the number of seats on each committee as set out in the supplement of 23 May 2024 is approved.

Recommendation (c)

Councillor Roger Phillips proposed and Councillor Barry Durkin seconded recommendation (c) which was carried.

RESOLVED: That the allocation of seats on outside bodies to political groups as set out in paragraph 13 is approved.

Recommendation (d)

Councillor Roger Phillips proposed and Councillor Toni Fagan seconded recommendation (d) which was carried.

RESOLVED: That the appointment of five co-opted members of children and young people scrutiny committee is approved as follows:

- i. one representative as nominated by the diocese of Hereford
- ii. one representative as nominated by the archdiocese of Cardiff
- iii. three parent governors as elected from the school sector

Recommendation (e)

Councillor Roger Phillips proposed and Councillor Elissa Swinglehurst seconded recommendation (e), the recommendation was carried with no votes against.

RESOLVED: That the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Drainage Board and the Wye Valley National Landscape Joint Advisory Committee is approved.

Recommendation (f)

Council noted the table of committee membership (in appendix 1 to the report) which outlined the current chairpersons and vice chairpersons of Council committees. The Chairman invited any alternative nominations to the chairpersons and vice chairpersons of Council committees as listed in appendix 1.

Chairperson of Connected Communities Scrutiny Committee

Councillor Terry James proposed and Councillor Ben Proctor seconded the nomination of Councillor Ed O'Driscoll as Chairperson of Connected Communities Scrutiny Committee.

Councillor Liz Harvey proposed and Councillor Diana Toynbee seconded the nomination of Councillor Ellie Chowns as Chairperson of Connected Communities Scrutiny Committee.

A vote was taken and Councillor O'Driscoll was elected Chairperson of Connected Communities Scrutiny Committee.

RESOLVED: That Councillor O'Driscoll is elected Chairperson of Connected Communities Scrutiny Committee for the forthcoming municipal year.

Vice-Chairperson of Connected Communities Scrutiny Committee

Councillor Kevin Tillett proposed and Councillor Rob Owens seconded the nomination of Councillor David Hitchiner as Vice-Chairperson of Connected Communities Scrutiny Committee.

Councillor Jim Kenyon proposed and Councillor Richard Thomas seconded the nomination of Councillor Frank Cornthwaite as Vice-Chairperson of Connected Communities Scrutiny Committee.

A vote was taken and Councillor Cornthwaite was elected Vice-Chairperson of Connected Communities Scrutiny Committee.

RESOLVED: That Councillor Cornthwaite is elected Vice-Chairperson of Connected Communities Scrutiny Committee for the forthcoming municipal year.

Vice-Chairperson of Environment and Sustainability Scrutiny Committee

Councillor Ellie Chowns proposed and Councillor Toni Fagan seconded the nomination of Councillor Justine Peberdy as Vice-Chairperson of Environment and Sustainability Scrutiny Committee.

A vote was taken and Councillor Peberdy was elected Vice-Chairperson of Environment and Sustainability Scrutiny Committee.

RESOLVED: That Councillor Peberdy is elected Vice-Chairperson of Environment and Sustainability Scrutiny Committee for the forthcoming municipal year.

Vice-Chairperson Health, Care and Wellbeing Scrutiny Committee

Councillor Terry James proposed and Councillor Kevin Tillett seconded the nomination of Councillor Polly Andrews as Vice-Chairperson of Health, Care and Wellbeing Scrutiny Committee.

A vote was taken and Councillor Andrews was elected Vice-Chairperson of Health, Care and Wellbeing Scrutiny Committee.

RESOLVED: That Councillor Andrews is elected Vice-Chairperson of Health, Care and Wellbeing Scrutiny Committee for the forthcoming municipal year.

Chairperson of Scrutiny Management Board

Councillor Terry James proposed and Councillor Ed O'Driscoll seconded the nomination of Councillor Ben Proctor as Chairperson of Scrutiny Management Board.

Councillor Ellie Chowns proposed and Councillor Dave Boulter seconded the nomination of Councillor Liz Harvey as Chairperson of Scrutiny Management Board.

A recorded vote was taken and Councillor Proctor was elected as Chairperson of Scrutiny Management Board.

PROCTOR (32): Councillors Andrews, Baker, Bartrum, Biggs, Bramer, Carwardine, Cole, Cornthwaite, Dave Davies, Durkin, Dykes, Gandy, Hamblin, Highfield, Hurcomb, James, Kenyon, Lester, Mason, O'Driscoll, Oliver, Owens, Price, Proctor, Stark, Stoddart, Stone, Swinglehurst, Thomas, Tillett, Allan Williams and Robert Williams.

HARVEY (13): Councillor Bartlett, Boulter, Chowns, Engel, Fagan, Foxton, Gennard, Harvey, Heathfield, Peberdy, Simmons, Toynbee and Woodall.

ABSTENTION (5): Councillors Clare Davies, Matthews, Phillips, Ivan Powell and Spencer.

RESOLVED: That Councillor Proctor is elected as Chairperson of Scrutiny Management Board for the forthcoming municipal year.

Vice-Chairperson of Audit and Governance Committee

Councillor Ellie Chowns proposed and Councillor Kevin Tillett seconded the nomination of Councillor Mark Woodall as Vice-Chairperson of Audit and Governance Committee.

A vote was taken and Councillor Woodall was elected Vice-Chairperson of Audit and Governance Committee.

RESOLVED: That Councillor Woodall is elected Vice-Chairperson of Audit and Governance Committee for the forthcoming municipal year.

The Chairman informed Council that:

- Councillor Polly Andrews required inclusion on the list of current Chairpersons and Vice-Chairpersons as the Chairperson of the Licensing Sub-Committee.
- Following Councillor Bartlett's indication that she would not continue as the Vice-Chairperson of Scrutiny Management Board, Councillor Louis Stark had been nominated to the position and required inclusion on the list of current Chairpersons and Vice-Chairpersons as the Vice-Chairperson of Scrutiny Management Board.

Councillor Roger Phillips proposed and Councillor Barry Durkin seconded the table of committee membership including the Chairpersons and Vice-Chairpersons of Council committees as amended by the votes and updates above. The table in appendix 1, as amended, was put to the vote and was carried.

RESOLVED: That the appointment of committee chairpersons and vice chairpersons for the forthcoming municipal year is approved as follows:

Committee	Position	Councillor
Audit and governance committee	Chairperson	Councillor David Hitchiner
	Vice Chairperson	Councillor Mark Woodall
Children and young people scrutiny committee	Chairperson	Councillor Toni Fagan
	Vice Chairperson	Councillor Liz Harvey

Connected communities scrutiny committee	Chairperson	Councillor Ed O’Driscoll
	Vice Chairperson	Councillor Frank Cornthwaite
Employment panel	Chairperson	Councillor Jonathan Lester
	Vice Chairperson	Councillor Ellie Chowns
Environment and sustainability scrutiny committee	Chairperson	Councillor Louis Stark
	Vice Chairperson	Councillor Justine Peberdy
Health, care and wellbeing scrutiny committee	Chairperson	Councillor Pauline Crockett
	Vice Chairperson	Councillor Polly Andrews
Planning and regulatory committee	Chairperson	Councillor Terry James
	Vice Chairperson	Councillor Clare Davies
Licensing sub-committee	Chairperson	Councillor Polly Andrews
Scrutiny management board	Chairperson	Councillor Ben Proctor
	Vice Chairperson	Councillor Louis Stark

Recommendation (g)

Councillor Roger Phillips proposed and Councillor Barry Durkin seconded the size and allocation of seats on the scrutiny management board, recommended in the tabled supplement of 24 May, which was put to the vote and was carried.

RESOLVED: That the size and political allocation of seats of the scrutiny management board is agreed as below:

Conservatives	Independents for Herefordshire	Liberal Democrats	The Green Party	True Independents	Not aligned	Total committee seats
5	1	3	2	1	0	12

9. HEREFORDSHIRE COUNCIL PLAN 2024-2028

Council considered a report by the Leader of the Council to agree proposals for the Herefordshire Council Plan 2024 – 2028.

The Cabinet Member Finance and Corporate Services proposed the recommendations and introduced the report.

The Leader of the Council seconded the recommendations in the report.

Council debated the report.

The approval of the Herefordshire Council Plan 2024 – 2028 was put to the vote and was carried by a simple majority.

RESOLVED: That

- (a) The Herefordshire Council Plan 2024-2028, as set out at appendix A be approved; and**
- (b) Authority be delegated to the Chief Executive, in consultation with the Leader of the Council to make minor grammatical, formatting, and design amendments necessary to finalise and present the Herefordshire Council Plan for publication.**

The meeting ended at 12.05 pm

Chairperson

Chairman of Council report – Council Meeting **26 July 2024**

Since our last meeting we have had the General Election with three of our councillors standing as candidates in our two constituencies. Our congratulations to Cllr Ellie Chowns on her successful election as the Member of Parliament for North Herefordshire and we all look forward to working with her and Jesse Norman for the people of our County.

Last month saw the passing of one of our longest serving councillors Bob Mathews. Bob was dedicated to local government serving both on Herefordshire Council and one of its predecessors South Hereford District; a strong Independent member he led the Independent group for many years. He was a caring politician not afraid to argue a case and champion many local causes.



Last month Armed Forces week was celebrated around the county with the raising of the flag in High town and a special commemoration event held in Bromyard including a march past with the Lord Lieutenant taking the salute.

Herefordshire has over 2,500 serving officers with over 11,000 forces children educated in our county. We have high levels of veterans in our communities with an estimated 9,600 members of which 14% are female and half are under the age of 65.

There is much support for veterans and as a council we are very supportive of initiatives particularly the Armed Forces Covenant with Cllr Stoddart as our lead member. There is a veterans centre in Hereford which following a recent lottery grant will now open five days a week.

The contribution of the defence and security sector to our local economy should not be underestimated.

If you want to know more on how you can support as a local councillor speak to Cllr Stoddart or visit <https://www.herefordshire.gov.uk/armed-forces/herefordshire-armed-forces-covenant-partnership/2>

Since the last council meeting I have attended two British Empire Medal presentations, met with and attended installation of mayors, various armed forces events, various community activities and citizenship swearing ceremonies.

Chief Executive's report to Full Council 26 July 2024

Firstly, I would like to pay tribute to Councillor Bob Matthews following his sad death in June. Bob was a dedicated public servant who worked tirelessly for his local community. He was a proud representative of the council, and never more so than when his 25 years of public service was recognised. I enjoyed many discussions with him as a group leader. He had a strong sense of what was needed and was never shy of sharing his views and experiences with me. His loss will be felt very widely.

Local arrangements for the general election were exceptionally well-managed thanks to the efforts of our experienced elections team, and dozens of supporting staff and residents. Thank you to everyone involved at every stage. My warm congratulations to Ellie Chowns and Jesse Norman on their election success. I look forward to working with them. I would also like to extend my thanks to Bill Wiggin for his service to the county for more than 20 years.

We were pleased to present a wide-range of council services to parish councillors at the Parish Council Summit earlier this month. It was a great way to bring people together to discuss topics affecting local communities and to build relationships. Feedback is that the event was well-received by all who attended and we look forward to the next event, which is planned for the autumn.

Two members of the corporate leadership team left the council in June. Andrew Lovegrove, Director of Resources and Assurance retired from his position. Andrew's strong stewardship of the council's finances over the past seven years has meant we've been one of very few councils to submit accounts by the required deadlines and we've been able to set balanced budgets during tough financial times. We will not be directly replacing Andrew, but will be looking to appoint a Director of Finance who will be the council's S151 Officer. This position will be filled on an interim basis until a permanent appointment is made.

Matt Pearce, Director of Public Health (DPH) left the council to take up a new role as DPH at Reading and West Berkshire. We will soon be starting the appointment process for a new Director of Public Health for the county. In the interim I'm pleased to confirm that we have appointed Dr Catherine Carmichael who will be with us for the next six months. Cate is an experienced public health consultant having worked across local authorities and Integrated Care Services (ICSs).

I'm delighted that our innovative Luston Wetlands project has received further national recognition, winning two awards - the Local Government Chronicle (LGC) Award for environmental services, and the Royal Town Planning Institute West Midlands Awards for planning excellence. It was also highly commended in the Municipal Journal Achievement Awards for leadership in responding to the climate emergency. The project is a world-first in tackling river pollution at its root sources while supporting the delivery of much needed housing development in the county. Congratulations to the built and natural environment team, it's great to see all the hard work being rewarded. Receiving national recognition is a boost for not only the staff involved but for colleagues and the council as a whole. We hope more awards will follow.

We also won two awards as a partner in the River Severn Partnership – an LGC Award for public/public partnership, and Municipal Journal (MJ) award for innovation of partnerships. The awards both recognised the successful partnership work taking place in the Severn catchment to reduce flood risk, secure future water resources and improve shared natural assets.

Good progress continues to be made with improvements to our children's services. Tina Russell joined us as corporate director for children and young people at the start of July and will be with

us until March 2025. Tina brings a wealth of experience as a director of children's services and a strong track record of leading improvement.

In response to ongoing concerns from families, Herefordshire Safeguarding Children Partnership (HSCP) established an independent Commission to provide parents and families with an opportunity to have their concerns heard and responded to, and to ensure that their experiences are used to inform improvements. An update report is being presented to the Children and Young People Scrutiny Committee at the end of July. The report will outline the actions that have been taken towards addressing the issues highlighted through the commission process, while recognising that further work is needed to fully address and embed the changes needed. This ongoing work will be included in the children's services phase 2 improvement plan which will be presented to September's Cabinet meeting. The phase 2 improvement plan will also include details of a new Partnership Executive Group (PEG) - a forum made up of myself, the chief executive of the Integrated Care Service (ICS) and the assistant chief constable West Mercia, to unblock partnership issues that are escalated for resolution.

Our role as corporate parents to children in our care is one of the most important we have. Every member of staff and elected member has a responsibility to ensure that every child in care has the best start in life, and to act for them as we would for our own child. To help promote this across the council, all services have been asked to identify opportunities for work shadowing and apprenticeships for care leavers and we have introduced a corporate parenting ambassador scheme. I would encourage all elected members to consider becoming a corporate parenting ambassador and share their experience with a young person. Your support really would make a difference.

More than 50 foster carers joined us for our first Foster Carer Conference during national foster care fortnight. The day provided foster carers with an opportunity to network and learn from each other, and for us to listen to their experiences of being a foster carer. It was also a chance for us to thank them for all that they do to care for children and young people in the county. Our fostering team are always looking for new foster carers for this rewarding and vital role.

In May the Department for Education announced that our bid for a new special school for children and young people with special educational needs and disabilities (SEND) in Herefordshire was successful. This support means that a new school will be built for pupils with complex autism and severe learning difficulties. We're obviously delighted by this positive news and recognise the significant impact the new school will have on the pupils and their families. Further information about the plans for the new school, including details on the proposed location, will be announced in the future.

It is an exciting time for our museum service with plans for the refurbished museum and art gallery in Hereford progressing well. Alongside this, our museum service is looking at a number of ways to make all of its facilities and exhibits more engaging for all visitors. Our museum service is one of eleven across the country working with the Sensational Museum project, which uses multi-sensory ways to engage with visitors. We'll be helping to test and develop multi-sensory museum experiences, with a view to making the exhibits across our museum service more accessible.

Hundreds of new student accommodation places are set to be developed in Hereford, with proposals now being developed for sites at the Edgar Street football ground, which would include the building of a new stand, and at the College Road campus. We will be working with regeneration and development specialist Cityheart who delivered the Station Approach student accommodation. It's important to the county's economy as a whole to encourage young people to study, live and develop their careers here, and high quality student living facilities will support this.

Following the announcement of a change of leadership within West Mercia Police, we will be inviting the newly appointed Temporary Chief Constable, Richard Cooper, to meet with us when he takes up the position at the end of August. We look forward to working with him to address issues in Herefordshire.

As this is the last Full Council before the autumn, I wish you all a restful and relaxing time over the summer break.

Paul Walker, Chief Executive



Title of report: Addition of Capital Budget to provide an Acquisition Fund for Housing Provision

Meeting: Council

Meeting date: Friday 26 July 2024

Report by: Cabinet Member Finance and Corporate Services

Classification

Open

Decision type

Budget and policy framework

Wards affected

(All Wards);

Purpose

To approve the addition of a £5 million capital budget to enable delivery of housing provision.

Recommendation(s)

That Council:

- a) **Approve the addition of £5 million to the capital programme for housing provision.**

Alternative options

1. It is open to Council to refuse or recommend alternative capital investment options to Cabinet. If Cabinet recommendation is not accepted, the item will be adjourned and Cabinet will be able to respond to the Council's proposed amendment. At the next adjourned meeting, Council will reconsider the recommendation of Cabinet again and whether such should be approved as recommended or as amended.

Key considerations

2. The capital programme reflects capital investment generating benefit to the county for a period in excess of one year.
3. The programme was approved by Council in February 2024 having followed budget and policy framework rules; this report now proposes in year changes to the approved programme.
4. The addition of the £5 million budget is to enable the Cabinet to take decisions when properties or land become available and not miss out on opportunities to deliver suitable housing. The £5 million is being added on the basis that any rental income will cover the running costs and provide a surplus to repay the cost of borrowing over the useful life of the asset. Homes England grants will be applied for where possible to reduce the overall borrowing costs and be added to the capital programme by the S151 delegated powers.
5. Inclusion in the capital programme is not approval to proceed. Each project will be subject to its own governance, a full business case will be presented to Cabinet for approval where required and compliance with the council's contract procedure rules as applicable.

Community impact

6. In accordance with the adopted code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions.
7. The capital programme supports the overall delivery plan and service delivery strategies in place. The overall aim of capital expenditure is to benefit the community through improved facilities and by promoting economic growth. A stated objective within the Delivery Plan 2024 to 2025 is to secure accommodation for vulnerable people at risk of homelessness

Environmental Impact

8. A specific environmental impact assessment for the service specific budget proposals will be considered as appropriate to seek to minimise any adverse environmental impact and actively seek opportunities to improve and enhance environmental performance. An initial environmental assessment will be developed and scoped for each project when they seek approval to spend and a separate governance decision.

Equality duty

9. 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.

10. 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. An equality impact assessment (EIA) will be carried out prior to any new scheme commencing and will form part of the approval process, required ahead of incurring capital spend.

Resource implications

11. The proposed addition of £5m is added on the basis that any borrowing requirement will be funded from surplus income, therefore there are no financial implications for the revenue budget by making this addition to the capital programme.

No	Scheme	Capital Grant funding £000	Redirected funding £000	Capital receipt funding £000	Funded by ROI £000	Corporate Funded PB £000	Total Request £000
Community:- Build communities to ensure everyone lives well and safely together							
1	Temporary Accommodation	0.0	0.0	0.0	5,000.0	0.0	5,000.0
	Total	0.0	0.0	0.0	5,000.0	0.0	5,000.0

12. Individual capital scheme resourcing implications will be detailed in the approval to precede decision. Appendix A contains the outline strategic business cases for the new project.

Legal implications

13. In year changes to the capital programme must be approved by Council unless certain circumstances in the constitution apply, which do not apply in these cases.
14. The Local Government Act 2003 allows the council to borrow for any purpose relevant to its functions under any enactment and for the purposes of the prudent management of its financial affairs.
15. Each project will be subject to its own governance, a full business case will be presented for Cabinet approval where required and will be undertaken in compliance with the council's contract procedure rules as applicable.
16. Section 106 of the Local Government Finance Act 1992 precludes a councillor from voting on the Council's budget if he or she has an outstanding council tax debt of over two months. If a councillor who is precluded from voting is present at any meeting at which relevant matters are discussed, he or she must disclose that section 106 applies and may not vote. Failure to comply is a criminal offence.
17. Part 4 Section 3 of the Constitution provides the procedure that must be followed by Cabinet and Council for a change to the budget.

Risk management

18. The proposed addition has been reviewed in relation to risks, both in deliverability, costs, impact and associated scheme interdependencies. The individual scheme detail of the risks will be provided as individual schemes progress to approval to deliver.

Consultees

19. Political Group consultation is not required for budget and policy framework but they can make recommendations on the proposals being recommended to council, to cabinet during the meeting for them to consider.
20. Cabinet on 18 July 2024, considered the proposed capital programme and approved this proposal as set out in this report.

Appendices

Appendix A - Outline Strategic Business cases for capital investment proposal.

Background papers

None

Glossary of Terms

Funded by Return on Investment – this is where there is a return on investment to repay the borrowing costs, such as increased income or savings on the current budget by reducing on going costs

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 17/07/2024
Finance	Judith Tranmer	Date 10/07/2024
Legal	Sean O’Connor	Date 18/07/2024
Communications	Luenne Featherstone	Date 12/07/2024
Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
Procurement	Karilyn Secker	Date 17/07/2024
Risk	Click or tap here to enter text.	Date Click or tap to enter a date.
Approved by	Rachael Sanders	Date 18/07/2024

OUTLINE STRATEGIC BUSINESS CASE

Directorate	Community and Wellbeing
Scheme Name	Acquisition Fund for Housing Provision
Budget Holder	Hayley Crane

Project aims and objectives:

Scheme description and demonstration of links to corporate priorities and savings plans.

The aim of this proposal is to establish a £5m fund to enable the council to develop the critical housing provision we need in the county. The council faces an increasing demand for social housing provision, there is a lack of local provision to meet this need, as such people are being placed in temporary accommodation which isn't fit for purpose, and has significant additional costs.

STRATEGIC CASE

The Council Plan core strategy - Place – states 'We will protect and enhance our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place and do everything we can to improve the health of our rivers'

The Councils Herefordshire Homelessness Prevention and Rough Sleeping Strategy 2020-2025, which aligns with the Central Government policy in the Homelessness Reduction Act (HRA) 2017, focusses on

- Prevention - early identification
- Intervention - access to appropriate housing & support services
- Recovery - tenancy sustainment opportunities and support are provided

These statutory obligations impose a resource and financial burden on the Council that has increased by almost 100% over the last 2 years. The table below shows the numbers of accommodation units per month being 'sourced' by the council to support homeless families. In March 2022 the council housed 74 families, in March 2024 this rose to 141 families.

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22
Temp	44	42	40	40	45	48	43	42	44	44	39	43
B&B	29	28	27	32	29	32	29	37	35	40	45	43
Total	73	70	67	72	74	80	72	79	79	84	84	86

	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Temp	49	54	55	57	62	59	59	59	63	66	66	71
B&B	44	42	48	57	58	52	66	71	71	82	88	87
Total	93	96	103	114	120	111	125	130	134	148	156	158

	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
Temp	72	70	68	59	56							
B&B	76	75	74	79	85							
Total	148	145	142	138	141							

In 2023/ 24 Housing Solutions spent £3,415,832.27 on accommodation solutions, which comprised £3,030,030.55 on Travelodge/ B&B style accommodation and £385,801.72 on private sector rental accommodation.

Due the relatively limited supply of this type of accommodation and an ever increasing demand, the costs of securing these places continues to rise, a Travelodge room now costs an average of £90 per night, however this fluctuates depending on what events are going on in the County at any one time e/g. the races, a football match, when costs can rise to £120 per night. The demand for homeless accommodation is constant throughout the year as can be seen below, which also shows the equivalent costs per bed pa.

2023-24 demand summary

	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	totals
temp	57	62	59	59	59	63	66	66	71	72	70	68	772
b&b	57	58	52	66	71	71	82	88	87	76	75	74	857
totals	114	120	111	125	130	134	148	154	158	148	145	142	1629

costs	per/bed pa	
temp	3,030,031	3,925
B&B	385,802	450
total	3,415,832	

The council also currently hold a waiting list with 1975 households registered for accommodation.

The council currently have the following units to accommodate our street homeless,

- Whitecross Road (WXRH) Hub: 8 single rooms (shared facilities) & 4 self-contained flats
 - Staffed Monday-Friday (9-5) by support staff
- RSAP/Light Touch Support: 10 units of self-contained accommodation in Hereford (currently none elsewhere in the county)
 - Not staffed. Floating support offered by WXRH staff
- Hope Scott House: 14 single (ensuite) rooms & 2 self-contained pods
 - Currently staffed sporadically by HSH's own self-employed staff
- Pomona Place and Bridge House: Approx. 30 units of supported accommodation
 - Support provided by CCP, with staff on site 24/7 at Pomona and Monday-Friday at Bridge
- 4 emergency pods
 - Support provided by Rough Sleeper Outreach Tea

Whilst this appears to be a comprehensive offer, it does still leave gaps. None of the above accommodation is available as 'direct access' and all persons presenting go through an application and interview and referral process, which can span over a period of time, before being housed. People are not moved into these accommodations on the day of application, which increases hardship.

Prior to the winter shelter opening, HC had 21 people sleeping rough. During the operation of the shelter, there was a 90.4% reduction in rough sleeping – with over 80% of those people being supported to move into appropriate accommodation. Since the shelter has closed, cases of rough sleeping have risen, partly due to blockages within the current pathway – something that is being addressed – but even without the process blockages, there would still be some people sleeping rough because our current services do not have the capacity to meet the needs of some of our rough sleepers.

Establishing a fund will enable the council to respond to opportunities to acquire and develop further stock to meet this demand, and decrease costs spent on temporary accommodation.

Estimated costs and funding sources:

	2024/25	2025/26	2026/27	Future Years	Total
	£'000	£'000	£'000	£'000	£'000
Capital cost of project					
Acquisition and Development Fund	2,500	2,500			5,000
TOTAL	2,500	2,500			5,000
Funding sources					
PWLB	2,500	2,500			5,000
TOTAL	2,500	2,500			5,000

Benefits and risks:

The anticipated benefits and risks of the proposed project plus risks of not going ahead with the scheme.

A high level viability and RAG risk register is attached to this document.

The benefits and risks are summarised below

Benefits

- Provides the Council greater control over its Homelessness Service delivery
- Enables better use of resources and offers cost avoidance savings.
- Enables a better, more proactive, service to be delivered, reducing delays in housing people and providing a central focus for the service.
- Enables the 'currently closed' winter shelter site to be reconfigured as an assessment centre with immediate need shelter accommodation.
- Provide the Councils with an income producing asset, with the ability to 'let out' surplus accommodation to partner organisations, and which could be sold off to generate a surplus at some point in the future.

Risks

- The projects that are brought forward don't generate the income required to repay the borrowing. However, full business cases will be developed and scrutinised prior to a cabinet member decision to proceed.
- Failure to identify sites/ buildings that can come forward to meet the demand. We are proactively seeking to identify relevant sites and develop associated business cases.
- The operation will require internal resource, it is anticipated the current resource will be deployed to deliver the revised service.

Not Going ahead with the proposals.

The expected outcomes of not going ahead with the fund, are a status quo situation,

- The council will continue to be exposed to market forces and thus incur even higher service budget overspends as the numbers of people presenting and costs of private sector accommodation continue to increase exponentially.
- The delays in housing people will remain due to the lack of immediate accommodation solutions.
- The council will have to continue to rely on referrals to third sector parties to deliver solutions.



Title of report: Statement of Gambling Policy 2024-2027

Meeting: Council

Meeting date: Friday 26 July 2024

Report by: Cabinet member roads and regulatory services

Classification

Open

Decision type

Budget and policy framework

Wards affected

(All Wards);

Purpose

To review and approve the statement of principles (Gambling Policy) to be applied by the council when exercising its licensing functions under the Gambling Act 2005 (the Act). The current policy was approved in March 2019; that policy has been reviewed and refreshed to take account of new guidance issued by the Gambling Commission.

Recommendation(s)

That:

- a. The draft policy at appendix 1 be approved.**

Alternative options

1. Not to approve the revised policy. This is not recommended as this would leave the Licensing Authority without any policy to guide its decision-making process. It would also breach the legislation, as there is a requirement under the Gambling Act that the Licensing Authority has an up-to-date policy.

2. To make further changes to the policy. This is not recommended as the draft policy has been subject to consultation and no further areas for improvement or change identified.

Key considerations

3. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The current statement was approved in March 2015.
4. One of the roles of the Local Authority under the Act is to consider applications for premises licences, for those premises to be used for the purpose of gambling. Other matters such as the issuing of operator's licences and online gambling, come under the remit of the Gambling Commission.
5. The previous policy appears to have been effective although as a Licensing Authority we receive very few applications concerning actual gambling premises. Most of the applications under the Act are for gaming machines and small lotteries.
6. The purpose of the policy is to ensure that the three licensing objectives are promoted within Herefordshire and this appears to have been effective in the past. The council has never received any complaints in relation to gambling.
7. Whilst the policy remains largely unchanged, amendments have been made to reflect the requirements of two new codes issued by the Gambling Commission: Licensing Conditions and Code of Practice (LCCP) and the Social Responsibility Code. The policy now reflects the requirement for these codes to be followed.
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 council website and has already been consulted on, so people are already aware of the proposed changes.

Community impact

10. The licensing objectives under the Act are:
 - a. Preventing gambling from being a source of crime or disorder; being associated with crime or disorder; or being used to support crime.
 - b. Ensuring that gambling is conducted in a fair and open way.
 - c. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
11. The policy will ensure that businesses are aware of the expectations of the Licensing Authority in respect of gambling premises. This will result in the promotion of the licensing objectives, as well as having a positive impact on the priorities within the Council's Plan 2024-2028 which are:
 - **People** - We will enable residents to realise their potential, to be healthy and benefit from communities that help people to feel safe and supported

- **Place** - We will protect and enhance our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place and do everything we can to improve the health of our rivers
 - **Growth** - We will create the conditions to deliver sustainable growth across the county. We want to attract inward investment, create more jobs, enable housing development and provide the right infrastructure to keep Herefordshire moving forward
 - **Transformation** - We will be an efficient council that embraces best practice, delivers innovation through technology and demonstrates value for money
12. The policy will help promote the life chances of looked after children or care leavers, by protecting them from being harmed or exploited by gambling, whilst at the same time ensuring the health, safety and wellbeing of employees, contractors or others who may be affected by the decision.
13. By exercising the functions correctly in respect of the Act, an appropriate balance can be struck between the requirement to protect children and the vulnerable from being harmed and exploited, whilst supporting the needs of legitimate business and the local economy.

Environmental Impact

14. Whilst this is a decision on back-office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

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:
- i. The policy remains in essence the same as the previous one, with only minor amendments which are updating the policy, mainly because of guidance issued by the Gambling Commission and
 - ii. One of the Licensing Objectives under The Gambling Act is the protection of children and other vulnerable persons from being harmed or exploited by gambling and the policy reflects this objective.

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 349 of the Act requires all Licensing Authorities to prepare and publish a statement of licensing principles every three years. In exercising their functions under s153 (1) of the Act a Licensing Authority must have regard to the legislative requirements of the Act and the statement published by the Licensing Authority under section 349 of the Act. Failure to have an up-to-date Gambling Licensing Policy would mean that the Licensing Authority was in breach of legislation and would be open to challenge in relation to the exercise of its functions under the Act.
19. Licensing Authority policy statements under s349 of the Gambling Act 2005 are defined as budget and policy framework items which can be agreed at a Council meeting only. The report has been recommended by the Cabinet Member Roads and Regulatory Services.

Risk management

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

Consultees

22. In accordance with the Gambling Act 2005 the following have been consulted:
 - i. West Mercia Police
 - ii. All holders of premises licences under the Gambling Act 2005 in Herefordshire
 - iii. All holders of alcohol licences under the Licensing Act 2003
 - iv. All holders of small lotteries
 - v. The Gambling Commission
 - vi. Public Health
 - vii. Herefordshire Safeguarding Board
 - viii. Planning Department
 - ix. Parish and town Councils

There were over 400 emails sent as part of the consultation process.

- 23. Feedback has been received from a licensed premises and a Town Council (appendix 2).
- 24. A summary of the changes can be found at Appendix 3.

Appendices

- Appendix 1 - Statement of Gambling Policy 2024-2027
- Appendix 2 - Summary of feedback
- Appendix 3 - Summary of changes

Background papers

'None identified'.

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 05/07/2024
Finance	Judith Tranmer	Date 19/06/2024
Legal	Ben Davies	Date 08/07/2024
Communications	Luenne Featherstone	Date 18/06/2024
Equality Duty	Harriet Yellin	Date 21/06/2024
Procurement	Karilyn Secker - Commercial officer	Date 19/06/2024
Risk	Jessica Karia	Date 15/07/2024
Approved by	Ross Cook	Date 18/07/2024

GAMBLING ACT 2005

STATEMENT OF

GAMBLING LICENSING

POLICY

2024 – 2027

HEREFORDSHIRE COUNCIL

GAMBLING ACT 2005

**STATEMENT OF GAMBLING LICENSING POLICY
2024 – 2027**

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FOREWORD

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

This Statement of Principles has been prepared as required by Section 349 of the Act and has had regard to the guidance issued to licensing authorities by the Gambling Commission under Section 25 of the Act, the licensing objectives and the views of those consulted. We have consulted widely upon this statement before finalising and publishing. A list of those consulted can be found at the rear. The policy was approved at a meeting of the Full Council on.-----

Its purpose is to set out the principles that the licensing authority proposes to apply in exercising its functions under the Act. Herefordshire Council as the licensing authority must carry out its functions with a view to promoting the gambling objectives and as such, these objectives provide a framework for the Statement of Principles. The licensing objectives are:

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

These objectives are supplemented by the core principle of ‘social responsibility’ that will be given effect through the licensing and regulatory decision-making of the Gambling Commission and licensing authorities. Supported by the publication of codes of practice and guidance by the Gambling Commission and, in the case of licensing authorities, by the preparation of a statement of Gambling Licensing Policy.

GENERAL

1.0 Introduction

The Licensing Authority recognises that the licensed entertainment business sector in Herefordshire contributes to the local economy and social infrastructure, but that this has to be balanced with the impact of such activities on the licensing objectives. The Licensing Authority wishes to encourage responsible run premises to provide a wide range of entertainment activities throughout their opening hours and to promote gambling in accordance with the licensing objectives. They are a factor which supports growth across the county which builds on the county's strengths and resources, which is one of the Council's ambitions.

- 1.1 Herefordshire is bordered by Shropshire to the north, Worcestershire to the east, Gloucestershire to the south-east, and the Welsh counties of Monmouthshire and Powys to the west. It has a population of 193,600 (mid-2020) and covers an area of 2180 square kilometres (842 square miles). 95% of the land is rural with over half the population living in these rural areas. At the centre of the County is Hereford City with a population of 61,400. The city is surrounded by the market towns of Leominster (12,200), Ross on Wye (11,400), Ledbury (10,100), Bromyard (3,361) and Kington (3,302). It has an ageing population with 24% of the residents over 65, compared to the national average of 18%. Earnings in Herefordshire are significantly lower than the average in England and the West Midlands. In 2022, the median weekly earnings for people who work in Herefordshire were £454.00, compared to £536.60 in England.
- 1.2 This policy will set out the general approach that the Licensing Authority will take when it considers applications. It will not undermine the right of any individual to apply for a variety of permissions, nor undermine the right to have any such application considered on its individual merits. Nor will it override the right of any 'responsible authority' or 'interested party' to make relevant representations on an application, or seek a review of a licence where provision has been made for them to do so in the Act.

- 1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.
- 1.4 This Policy will be published at least every three years. The Policy may also be reviewed from time to time. Any proposed amended or revised Gambling Licensing Policy will be consulted upon and re-published.
- 1.5 The Gambling Act requires that the following parties are consulted:
- a) The Chief Officer of Police
 - b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.6 Herefordshire Council has consulted widely (but within reasonable limits) upon this Policy Statement before finalising and publishing it. Copies of the proposed policy was also published on the 'Consultation' page of our website.
- 1.7 Our consultation took place between 8th March 2024 and 18th April 2024.
- 1.8 Herefordshire Council recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of policy. Herefordshire Council acknowledges the benefits to the community of properly regulating gambling in the district.

- 1.9 It should be noted that this statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 1.10 The statement of policy was approved at a meeting of the Full Council on2024. The statement will be effective from the date the policy is approved by Full Council.
- 1.11 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so.
- 1.12 In producing a Gambling Licensing Policy, the Licensing Authority will have regard to and in accordance with:
- the licensing objectives of the Gambling Act 2005
 - any relevant current Code of Practice issued by the relevant Government Department,
 - the current guidance issued by the Gambling Commission;
 - any relevant current statutory regulations, and
 - any responses from those consulted on the Policy statement.

Note: The Gambling Commission Guidance to Licensing Authorities, together with other guidance and information is available on the Gambling Commission website: <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

1.13 Declaration

In producing the final statement, The Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

2.0 The Licensing Objectives

- 2.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Herefordshire Council (the Council) as the Licensing Authority must have regard to the licensing objectives as set out in section 1 of the Act.
- 2.2 The licensing objectives are:
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - (b) Ensuring that gambling is conducted in a fair and open way
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.3 With regard to the crime and disorder objective, this Licensing Authority notes that there is no definition of the term 'disorder' in the Act, that there is no indication of the meaning of 'disorder' in the Explanatory Notes to the Act, but that the Gambling Commission's current Guidance to Licensing Authority's states that, "disorder is intended to mean activity that is more serious and disruptive than mere nuisance" and that the word 'intended' is used without any form of qualification.
- 2.4 It should be noted that the Gambling Commission has stated 'The Requirements in relation to children is explicitly to protect them from being harmed or exploited by gambling'.
- 2.5 The Licensing Authority will expect applicants for premises licences to assess the impact of their premises on the locality in relation to crime and disorder, and will give consideration to the measures offered by applicants in relation to this licensing objective and their assessment. The Licensing Authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder. They will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it, in determining whether the line has been crossed.

2.6 For premises licences the Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences that are issued and regulated by the Gambling Commission.

2.7 With regard to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling:

(a) Children: This objective is concerned with preventing them from taking part in gambling, consideration will be given as to whether specific measures are required at particular premises. Such measures may include supervision of entrances / machines, segregation of areas, age verification schemes (i.e. 'Challenge 25') etc.

(b) Vulnerable persons: It is noted that there is no definition or interpretation of the term "vulnerable persons" in the Act. In addition it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." In the view of such lack of statutory interpretation or definition, or definitive guidance from the Gambling Commission, this Licensing Authority shall endeavour to consider this licensing objective on a case by case basis. Should a practical definition prove possible in the future then this Policy statement will (by way of a revision) be updated with it.

2.8 The Licensing Authority is legally obliged under provisions of the Act when making decisions about premises licences and temporary use notices to aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:

(a) complies with any relevant code of practice issued by the Gambling Commission

(b) in accordance with any relevant guidance issued by the Gambling Commission

- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with Herefordshire Council's Gambling Licensing Policy (subject to (a) to (c) above)

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

The Gambling Commission issues two types of code of practice. Social responsibility (SR) codes and ordinary codes (OC). A social responsibility code must be adhered to by all licence holders in the same manner as a licence condition. An ordinary code is not mandatory but operators are expected to take account of them. Both sets of codes can be found in the Commission's Licence Conditions and Codes of Practices (LCCP).

3.0 **Responsible Authorities**

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

- The Council as the Licensing Authority
- The Gambling Commission
- West Mercia Police
- Hereford and Worcester Fire and Rescue Authority
- The Councils Planning Department
- The Council's Environmental Health & Trading Standards
- Herefordshire Safeguarding Children's Partnership
- HM Revenue and Customs
- Any other bodies identified in Regulation by the Secretary of State,

A current list of responsible authorities and their addresses can be obtained from the Councils Licensing Team.

Protection of children from harm

3.2 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The policy is:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
- that this body is experienced in dealing with the protection of children.

3.3 In accordance with the suggestion in the Gambling Commission's Guidance for licensing authorities, the Authority designates the Herefordshire Safeguarding Children's Partnership for this purpose.

3.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Herefordshire Council's website at: www.herefordshire.gov.uk

4.0 **Interested parties**

4.1 Interested parties can make representations about applications for new premises licences applications and variations of an existing premises licence, or in respect of a review of an existing licence.

4.2 Interested parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Council which issues the licence or to which the application is made, the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b) above. e.g. ward councillors or a member of parliament.”

Principles of determining Interested Parties:

4.3 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

4.4 Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for licensing authorities at 8.12 and 8.15. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

4.5 The Gambling Commission has recommended that the Licensing Authority state whom it considers represent interested parties. These include, but are not confined to, democratically elected representatives such as local councillors and Members of Parliament (no specific evidence of being asked to represent an interested person will be required as long as the councillor or Member represents the ward likely to be

affected) and bodies such as trade associations and trade unions, and residents' and tenants' associations. The Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by, or has business interests that might be affected by the authorised activities being applied for. A letter from one of these persons requesting representation shall be sufficient.

- 4.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee or Sub-Committee dealing with the licence application. If there are any doubts then please contact the Council's Democratic Services.

5.0 Representations

5.1 Representations for or against premises licence applications and premises licence variation applications must be made in writing, include the name and address of the person making the representation and must contain details of the effect of the application based on one or more of the following: -

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling
- The Council's Gambling Licensing Policy
- Any relevant current guidance issued by the Gambling Commission,
- Any relevant current code of practice issued by the Gambling Commission,
- The Gambling Act 2005 and any relevant Regulations made there under.

Please note: -

- a) that this Licensing Authority considers 'disorder' to include anti-social behaviour (see number 2.3 above), and
- b) that the Licensing Authority is unable to accept representations made purely on moral grounds or planning grounds or which fall outside of its statutory remit as the Licensing Authority .

5.2 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.

5.3 Copies of all valid representations (including names and addresses) will be sent to the applicant in accordance with the provisions of the statutory regulations made under the act.

- 5.4 Persons making representations should be prepared to attend a Licensing Sub-Committee hearing to verbally inform the Committee of the grounds for their representation.
- 5.5 The Licensing Authority may determine an application for a premises licence without a hearing if it thinks that the representations: -
- are vexatious,
 - are frivolous, or
 - will certainly not influence it's determination of the application.
- 5.6 When an application has not attracted relevant representations, the Licensing Authority is compelled under the provisions of the Act to automatically grant the application (with or without licence conditions).

6.0 Exchange of Information

6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act, with respect to the exchange of information under section 350 of the Act, between it and the other persons listed in Schedule 6 to the Act. These being:

- A constable or police force;
- An enforcement officer;
- A Licensing Authority;
- Her Majesty's Revenues and Customs;
- The First-tier Tribunal;
- The Secretary of State;
- Scottish Ministers; and
- Any other person or body designated by the Secretary of State in accordance with the Act.

6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

6.3 The Licensing Authority will inform the Gambling Commission without delay if:

- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.
- If it comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week

which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.

- Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.

6.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

6.5 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners, to fulfil its' statutory objective of reducing crime in the area.

6.6 The authority would wish to make its decision making process as transparent as possible and all representations made to it will be shared with all parties to an application. Freedom of information legislation will be complied with

7.0 Enforcement and Inspection

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

7.2 When making decisions regarding enforcement or inspection regimes the Council will take into account the Gambling Commission's current Guidance and will endeavour to be:

- (a) Proportionate: regulators should only intervene when necessary, and remedies should be appropriate to the risk posed, and costs identified and minimised;
- (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- (c) Consistent: rules and standards must be administered, enforced and implemented fairly;
- (d) Transparent: regulators should be open, and keep regulations simple and user friendly; and
- (e) Targeted: regulation should be focused on the problem, and minimise side effects, and
- (f) Within the principles of the Regulators Code issued by the Department for Business, Innovation and Skills.

7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

7.4 The Licensing Authority may also adopt a risk-based inspection programme that will be based on:

- The Licensing objectives
- The Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36

- The principles set out in this statement of policy

7.5 The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises (e.g. compliance with licence conditions). The Gambling Commission is the enforcement body for the Operating and Personal Licences, Club Gaming Permits, Club Machine Permits and Lotteries. West Mercia Police also has a wide range of enforcement powers available to it under the provisions of the Act. When the Licensing Authority receive complaints about matters falling outside of its remit, such complaints will be referred to the Gambling Commission and/or West Mercia Police and/or such other body as may be appropriate.

7.7 Subject to the above principles relating to enforcement, this Licensing Authority may institute criminal proceedings in respect of an offence under any of the following provisions of the Gambling Act 2005: -

- (a) section 37,
- (b) section 185,
- (c) section 186,
- (d) section 229,
- (e) section 242,
- (f) section 258,
- (g) section 259,
- (h) section 260,
- (i) section 261,
- (j) section 262,
- (k) section 326,
- (l) section 342,

- (m) paragraph 20 of Schedule 10,
- (n) paragraph 10 of Schedule 13, and
- (o) paragraph 20 of Schedule 14.

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

7.9 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- Article 1, Protocol 1 – Peaceful enjoyment of possessions
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression

8.0 Licensing Authority functions

8.1 The main functions and responsibilities of the Licensing Authority under the Act are the:

- (a) Licensing of certain premises where gambling activities are to take place and/or gaming machines are provided, by issuing Premises Licences. The types of premises licences being Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), and Betting (Other).
- (b) Issue Provisional Statements for premises being or expected to be built or altered, or that a person expects to acquire.
- (c) Issue either Club Gaming Permits or Club Machine Permits to members' clubs.
- (d) Issue Club Machine Permits to Commercial Clubs
- (e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- (f) Receive notifications for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of two or fewer gaming machines.
- (g) Issue Licensed Premises Gaming Machine Permits for certain premises licensed for the sale by retail of alcohol for consumption on the premises under the Licensing Act 2003 for the use of more than two gaming machines.
- (h) Register small society lotteries below prescribed thresholds.
- (i) Issue Prize Gaming Permits.
- (j) Receive and endorse Temporary Use Notices.
- (k) Receive Occasional Use Notices.
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section 6 above on 'information exchange').
- (m) Maintain registers of the permits and licences that are issued under these functions.
- (n) Issue notices and other documentation required under the Act and the Regulations made there under.

9.0 **Duplication with other regulatory regimes**

9.1 The Licensing Authority will seek to avoid any duplication with other statutory and regulatory systems where possible, unless it believes such duplication is necessary for the promotion of and compliance with the licensing objectives. When considering an application for a premises licence the council will not (under the provisions of the Act) be able to consider matters such as:

- whether the premises is likely to be awarded planning or building consent, or
- whether the premises is safe for its use (e.g. structurally, means of escape, fire precautions etc.), or
- whether the use of the premises under the licence may cause any public nuisance (e.g. to residents in the vicinity),

9.2 The Licensing Authority will listen to, and consider carefully, any concerns that an applicant will not be able to meet any proposed licensing condition due to planning restrictions.

PREMISES LICENCES - Matters not covered above

10.0 General Principles

10.1 Premises licences may be obtained for the following categories of gambling premises:

- Betting (other than a Track)
- Betting (Track)
- Bingo
- Adult Gaming Centre
- Family Entertainment Centre

10.2 Local Risk Assessments

It is a requirement of the Commission's Licence Conditions and Codes of Practices (LCCP), specifically an SR code requirement that licensees assess local risks to the licensing objectives, posed by the provision of gambling facilities, at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

10.3 Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

10.4 The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises are in an area subject to high levels of crime and/or disorder;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;

- the location of services for children such as schools, playgrounds, toy shops, leisure/community centres and other areas where children will gather such as fast food outlets;
- the demographics of the area in relation to vulnerable groups how vulnerable people, including people with gambling dependencies are protected;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- any indication in the area of young people attempting to access adult gambling facilities of the type offered in the area;
- high unemployment area;
- the area has a high number of rough sleepers/homeless people.

The risk assessment should take into account the risks presented by the local landscape.

10.5 Premises Licences are subject to the requirements set out in the Gambling Act 2005 (the 'Act') and Regulations, as well as specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions (upon application) and also when appropriate to attach additional conditions. The holders of premises licences may apply for the variation of their licences. Premises licences may also be transferred to another party.

10.6 In exercising its functions as the licensing authority this Licensing Authority will, in accordance with section 153(1) of the Act, aim to permit the use of premises for gambling in so far as it considers it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission
- (b) in accordance with any relevant guidance issued by the Gambling Commission
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with this Gambling Licensing Policy (subject to (a) – (c)).

10.7 The grant of premises licences must be reasonably consistent with the licensing objectives, and in this respect this Licensing Authority has considered the Gambling Commission's current Guidance to Licensing Authorities.

10.8 The Licensing Authority will take particular care in considering applications for multiple licences for what may be considered a single premises.

10.9 **Definition of "premises"**

In the Act "premises" is defined as "any place", and no premises except for a 'track' may have more than one premises licence.

10.10 However, it is possible for a single place such as a building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises, will always be a question of fact in the circumstances. However, the Licensing Authority will consider the following when deciding whether a building or part of a building is a separate premises:-

- Has it a different postal address?
- Has it a separate registration for business rates?
- Is a neighbouring premises owned by the same person or someone else?
- Can it be accessed from the street or a public passageway via a separate entrance?
- Can it only be accessed from any other gambling premises?
- Would the ordinary person on the street consider that they were one premise or two?

10.11 The Licensing Authority also takes particular note of the Gambling Commission's Guidance for Licensing Authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a

building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

10.12 It should be noted that following the case of *The Queen (on the application of) Betting Shop Services Limited v Southend-on-Sea Borough Council*, an applicant can obtain a full premises licence for premises in which it is proposed to offer gambling but the facilities have still to be constructed or altered. Licensing Authorities are required to determine such applications on their merits.

10.13 When an application is made for a premises licence for a premises that is in the course of construction or alteration, or are still to be constructed or altered, the Licensing Authority will take into account the current Guidance issued by the Gambling Commission. The Licensing Authority will also consider:

- whether the premises ought to be permitted to be used for gambling,
- whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which, they ought to be before gambling takes place, and
- when the premises intends to start operating under the licence (in order to ascertain whether the application is being made for 'speculative' purposes).

10.14 In considering licensing applications, the Licensing Authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system.
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- The steps proposed by an applicant with regard to the licensing objectives and any licence conditions proposed by the applicant

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

11.0 Location

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

11.2 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- The proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons.
- The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons,
- The proximity of the premises to any youth club or similar establishment,
- The proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons and
- The proximity to any premises known to be associated by children such as fast food outlets.

11.3 Where an area has, or is perceived to have, unacceptable levels of crime and/or, disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

11.4 Duplication with other regulatory regimes - The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider any planning or building regulations issues in relation to the premises, in its consideration of the licence application. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

11.5 Furthermore, the Authority notes the following statement from the Gambling Commissions Guidance:

When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

12.0 Licence Conditions

12.1 Any conditions attached by the Licensing Authority to any particular licence will be proportionate and will be:

- (a) relevant to the need to make the proposed building suitable as a gambling facility;
- (b) directly related to the premises and the type of licence applied for;
- (c) fair and reasonable in relation to the scale and the type of premises, and
- (d) in the Licensing Authority's consideration be reasonable in all other respects.

12.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising, should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

12.3 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises, in order to pursue the licensing objectives.

12.4 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises, which is separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder;

- and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

12.5 The above considerations will apply to premises including buildings where multiple premises licences are applicable.

12.6 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas, where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Gambling Commission in this respect.

12.7 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences which are:

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

12.8 Applicants may offer licence conditions to the Licensing authority as a part of their application. Examples of such conditions are: -

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
2. The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority

can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.

3. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
4. "Challenge 25":
 - A. The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
 - B. The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
 - C. The following proofs of age are the only ones to be accepted:
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving licence
 - Passport
5. Staff Competence and Training:
 - A. The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.
 - B. The Licensee shall ensure that each member of staff authorised to verify the age of customers has received training on the law with regard to under age gambling and the procedure if an underage person enters the premises, within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Such training shall be agreed with Herefordshire Council Trading Standards. Training and records shall be kept on the premises which shall be made available for inspection by the Licensing Officer, Trading Standards or the Police on demand.

C. The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

6. Refusals Book:

A. The licensee to keep a register (Refusals Book) to contain details of time and date, description of underage persons entering the premises, and the name/signature of the sales person who verified that the person was under age.

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

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

7. CCTV:

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits and outside areas.

A monitor shall be mounted on the wall at the premises where it is clearly visible to all members of the public. The monitor shall show the live CCTV footage being recorded.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept for a period of 31 days and handed to Police on demand.

The Licence Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format on to any suitable media, to the Police/Local Authority on demand.

The Recording equipment and recording media shall be kept in a secure environment under the control of the Manager or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Police must be informed on contact number **101** immediately.

13.0. Numbers of Staff and Door Supervisors

13.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.

13.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.

13.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.

13.4 It is noted that door supervisors at bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at bingo premises are that the Licensing Authority will expect the door supervisors to have:

- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
- an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.

13.5 A book shall be kept at the premises, which is maintained with the following records:

- the identity (including their full name and address) of the door supervisor deployed;
- the time they commenced and finished duty; and
- all incidents that the door supervisors dealt with.

If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.

13.6 The term 'door supervisor' means any person:

- (a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
- (b) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

13.7 For premises other than bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases.

14.0 **Protection of children and vulnerable persons –specific requirements for premises other than Betting Premises**

14.1 **Adult Gaming Centres: -**

The Licensing Authority will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

14.2 **(Licensed) Family Entertainment Centres**

The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/licence conditions may cover issues such as:

- a) Proof of age schemes
- b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas

- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. This Licensing Authority will refer to any Operating Licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

14.3 Bingo Premises

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Appropriate measures/licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors

- (e) Supervision of entrances/machine areas
- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover. This Licensing Authority will take account of any current guidance from the Gambling Commission as to the suitability and layout of bingo premises.

- 14.4 Where Bingo is provided in alcohol-licensed premises and reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.
- 14.5 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as 'high turnover bingo'.
- 14.6 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week, which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, the Licensing Authority shall inform the Commission accordingly.

15.0 **Betting Premises**

15.1 There are two different types of premises that require a betting licence. The licences for these premises are named as “Betting Premises Licence (In Respect Of Premises Other Than a Track)’ and ‘Betting Premises Licence (In Respect of a Track)’.

15.2 **Betting Premises Licence (In Respect Of Premises Other Than A Track)**

This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.

15.3 This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises,
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

15.4 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- a) Proof of age schemes
- b) CCTV
- (c) The numbers of staff on duty at any one time.
- (d) Door supervisors
- (e) Supervision of entrances/machine areas

- (f) Physical separation of areas
- (g) Location of entry
- (h) Notices / signage
- (i) Specific opening hours
- (j) Self-barring schemes
- (k) Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

15.5 Betting Premises Licence (In Respect of a Track)

Tracks are sites (including football stadiums, horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

15.6 The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission, unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘on course’ betting facilities at a licensed track.

15.7 Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

15.8 Children and Young Persons

Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they are not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.

15.9 We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.

Appropriate measures/ licence conditions may cover issues such as:

- (a) Proof of age schemes
- (b) CCTV
- (c) The numbers of staff on duty
- (d) Door supervisors
- (e) Supervision of entrances/machine areas
- (f) The physical separation of, and clear distinction of areas
- (g) Location of entry
- (h) Notices/signage

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

15.10 **Betting machines (also known as Bet Receipt Terminals) at tracks**

The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:

- the proliferation of such machines,
- the ability of track staff to supervise the machines if they are scattered around the track ,and
- preventing persons under the age of 18 from being able to use the machines.

15.11 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises, by attaching a licence condition to a betting premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- the size of the premises,
- the number and location of the machines
- the number of counter positions available for person-to-person transactions, and

- the ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

15.12 Condition on rules being displayed at tracks

The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

15.13 Applications and plans for tracks

Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.

15.14 The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:

- dog tracks and horse racecourses,
- fixed and mobile pool betting facilities operated by the Tote or track operator, and
- other proposed gambling facilities,

The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.

15.15 Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

16.0 **Travelling Fairs**

- 16.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 16.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

17.0 Provisional Statements

- 17.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences.
- 17.2 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.3 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence.
- 17.4 If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.
- 17.5 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters, which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 17.6 In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by way of representations at the provisional licence stage, or
 - b) which, in the authority's opinion, reflect a change in the operator's circumstances, or

c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

Note: This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision.

17.7 Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

18.0 Reviews

A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from an interested party or responsible authority. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

18.1 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that, a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause the Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

18.3 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- Add, remove or amend a licence condition imposed by the Licensing Authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the licence.

18.4 Initiation of review by Licensing Authority

The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by the Licensing Committee or one of its Sub-Committees.

18.5 In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises, if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

18.6 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Gambling Commission
- Any person who made a representation
- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs.

18.7 Application for review by responsible authorities and interested parties

Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the

review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

18.8 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

Note: If the application raises issues that are not relevant to the current Gambling Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling, in so far we think that permission is in accordance with the matters set out in that section.

Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;

- that the grounds are frivolous;
- that the grounds are vexatious;
- that the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement, about whether it is reasonable to rely on this as a reason not to review the licence; or
- are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence, on the basis of the same arguments considered on the grant of the premises licence.

The matters which will generally be considered relevant for any review are:

- (a) any relevant current code of practice issued by the Gambling Commission;
- (b) any relevant current guidance issued by the Gambling Commission;
- (c) the licensing objectives;
- (d) the Council's Statement of Gambling Licensing Policy, and
- (e) The Gambling Act 2005 and the Regulations made thereunder

Appeals – There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Hereford Magistrates Court.

19.0 PERMITS

- 19.1 Permits regulate gambling and the use of gaming machines in premises, which do not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 19.2 The Licensing Authority is responsible for issuing the following permits:
- Unlicensed Family Entertainment gaming machine permits
 - Alcohol licensed gaming machine permits
 - Prize gaming permits
 - Club gaming permits and club machine permits
- 19.3 The Gambling Act 2005 states that a Licensing Authority may 'prepare a statement' of policy that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.
- 19.4 This Licensing Authority has prepared Statements of Principles in Respect of Prize Gaming Permits and Family Entertainment Centre Gaming Machine Permits which can be found on our website.
- 19.5 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.
- 19.6 There is a minimum age of 18 for all players for all category A, B and C gaming machines, including category B3A gaming machines offering lottery style games.
- 19.7 However, there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.

20.0 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 20.1 Unlicensed Family Entertainment Centres (uFECs) normally cater for families, including unaccompanied children and young persons.
- 20.2 Unlicensed FECs can only provide category D machines under a gaming machine permit, and an unlimited number of such machines can be made available. Permits cannot be issued to vessels or vehicles.
- 20.3 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Gambling Act).
- 20.4 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if West Mercia Police have been consulted on the application. The Licensing Authority will require applicants to demonstrate:
- a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act;) and
 - c) that staff are trained to have a full understanding of the maximum stakes and prizes.
- 20.5 Whilst the Licensing Authority can grant or refuse an application, it cannot attach conditions to this type of permit.
- 20.6 The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- a) criminal record checks for staff,
- b) appropriate measures / training for staff as regards suspected truant school children on the premises,
- c) appropriate measures/ training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on or around the premises.

20.7 The Licensing Authority acknowledges that only premises that are wholly or mainly used for making gaming machines available may hold a Family Entertainment Centre (uFEC) gaming machine permit or a Family Entertainment Centre (FEC) premises licence. Both a licensed FEC and uFEC are classified as 'premises'. The Licensing Authority considers that, generally, premises such as an entire shopping centre, motorway service station, bowling alley or similar would not be suitable for licensing or to hold a permit. Further the Authority believes that the machines should be in a designated, enclosed area, they should not be in walkways or corridors forming part of a larger building.

20.8 The Authority expects that a plan of the UFEC shall be supplied as part of the application.

N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enables the transfer of a permit from one person to another, therefore a new operator will need to apply for their own permit.

21.0 (Alcohol) Licensed Premises Gaming Machine permits/automatic entitlement

21.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. However the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

21.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any current guidance issued by the Gambling Commission and such matters as it thinks relevant. This Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons this applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

21.3 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to the permit.

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

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

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

21.5 It is possible that some alcohol licensed premises may not have a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a Family Entertainment Centre or Adult Gaming Centre premises licence.

21.6 When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

21.7 The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- It would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect
- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit
- The premises are mainly used or to be used for making gaming machines available, or
- An offence under the 2005 Act has been committed on the premises

21.8 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

21.9 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

22.0 Prize Gaming Permits

- 22.1 The Licensing Authority requires that an applicant sets out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- (a) that they understand the limits to stakes and prizes that are set out in the Regulations;
 - (b) that the gaming offered is within the law; and
 - (c) clear policies that outline steps to be taken to protect children from harm.
- 22.2 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any current Gambling Commission guidance.
- 22.3 There are statutory and mandatory conditions in the Gambling Act 2005 that the permit holder must comply with and the Licensing Authority cannot impose any additional conditions. The conditions in the Act are:
- (a) the limits on participation fees, as set out in regulations, must be complied with;
 - (b) all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - (c) the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if nonmonetary prize); and
 - (d) participation in the gaming must not entitle the player to take part in any other gambling.

23.0 Club Gaming Permits and Club Machines Permits

- 23.1 Members Clubs may apply for a Club Gaming Permit or a Club Machines Permit. Commercial Clubs may apply for a club Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D but only 1 B3A can be sited as part of this entitlement), equal chance gaming and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D but only 1 B3A) can be sited as part of this entitlement institute but not category B3A in Commercial Clubs.
- 23.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include branches of the British Legion and clubs with political affiliations."
- 23.3 The Licensing Authority may only refuse an application on the grounds that:
- (a) the applicant does not fulfil, as appropriate, the requirements for a members club or a commercial club and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Gambling Commission or the Police.
- 23.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track

procedure there is no opportunity for objections to be made by the Gambling Commission or the Police. The grounds on which the Licensing Authority may refuse an application under the process are:

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

24.0 Temporary Use Notices

- 24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.
- 24.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission’s Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a “set of premises” the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 24.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commissions Guidance to Local Authorities.

25.0 **Occasional Use Notices**

- 25.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Although this Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 25.2 Occasional Use Notices will only be permitted at tracks where races or sporting events take place or will take place there.

26.0 Small Society Lotteries

26.1 The promotion or facilitating of lotteries falls within 2 categories:

- Licensed Lotteries (these require an Operating Licence from the Gambling Commission); and Exempt Lotteries

26.2 One such exemption is ‘Small Society Lotteries’, these are non-commercial and have been established and conducted for one of the following purposes:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sports, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain

26.3 Those societies wishing to operate small society lotteries must first register with the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes the Society’s principal office is situated in another area it will inform the Society as soon as possible.

26.4 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of registration.

26.5 The Licensing Authority will ask applicants to set out the purposes for which the society is established and will ask the society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the society and in particular may require a copy of the society’s constitution.

26.6 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

- 26.7 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 26.8 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers
- Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
 - Tickets may be sold from a kiosk, in a shop or door-to-door.
- This approach is consistent with the operating licence conditions imposed by the Commission upon operators of large lotteries
- 26.9 The Licensing Authority will adopt a risk based approach towards enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - submission of incomplete or incorrect returns
 - breaches of the limits for small society lotteries
 - failure to submit a return
- 26.10 All small society registrations expiry at the end of each calendar year and can be renewed in the month prior to expiry.
- 26.11 All renewals require payment of the renewal fee and application form.
- 26.12 Any renewal application received after expiry will be refused and will require a new application together with the appropriate fee and application.

27.0 **Casinos**

27.1 On 27th July 2007 at a meeting of the Full Council a Resolution was passed under Section 166 of the Gambling Act 2005 not to issue casino premises licences. Details of the Proposal and Minutes can be found at: - <http://councillors.herefordshire.gov.uk/documents/s11792/Council%20report%20on%20casinos.pdf>

Adult Gaming Centres

Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence from the Commission and have an AGC premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.

Alcohol licensed premises gaming machine permits

The Licensing Authority can issue such permits for any number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.

Applications

Applications for licences and permits.

Authorisations

This Policy relates to all authorisations, permits, licences etc, which the Licensing Authority is responsible for under the Gambling Act 2005.

Betting Machines

A machine designed or adapted for the use to bet on future real events (not Gaming Machine).

Bingo

A game of equal chance. Whilst there is no statutory definition of Bingo, generally there are two different types of bingo:

- cash bingo, where the stakes paid made up the cash prizes that were won; or
- prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

Premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in

all its forms. Adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit, will be able to offer prize gaming, which includes prize bingo.

Casino

An arrangement whereby people are given an opportunity to participate in one or more casino games.

Children/Child

Individual who is less than 16 years old.

Club Gaming

Permit to enable commercial and non-commercial clubs. Machine Permit to provide at their premises the number of gaming machines (Category B, C or D) as set out in the regulations.

Club Gaming Permit

Permits to enable members' clubs and miners' welfare institutes (but not a commercial club) to provide at their premises the number of gaming machines (Category B, C or D), equal chance gaming and games of chance as set out in the regulations.

Code of Practice

Means any relevant current code of practice under section 24 of the Gambling Act 2005.

Default Conditions

Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Disorder

Disorder includes anti-social behaviour (see number 2.3 of the Policy).

Equal Chance Gaming

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

FECs

Family entertainment centres.

Occasional use notices

Where there is betting on a track on up to eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse race course, dock track and temporary tracks for races or sporting events.

Operating licence

Authorised individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operating. A single licence cannot authorise both remote and non-remote activities; separate operating licences are needed for this. Conditions may be attached.

Personal licence

Except for small scale operations, for each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

Premises

Premises is defined in the Act as “any place”. A single premises (with the exception of a “track”) may not have more than one premises licence at any time.

Premises Licence

Authorises the provision of facilities for gambling on premises for bingo, betting including tracks, adult gaming centres and family entertainment centres. These licences will be valid for the life of the premises, subject to any review. The licence will lapse if the annual fee is not paid. These licences are transferable to someone else holding a valid operating licence.

Prize gaming permits

This permit allows the provision of facilities for gaming and prizes on specified premises. “Prize gaming” refers to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

Temporary use notices

These licences authorise the person or company holding a relevant operating licence to use the premises temporarily for providing facilities for gambling, where there is no premises licence. Such premises may include hotels, conference centres and sporting venues.

Unlicensed family entertainment centre gaming machine permits

These allow the use of category D gaming machines in these premises to a person who occupies or plans to occupy the premises, to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

Vulnerable persons

See section 2.7(b) of this Policy concerning the ‘definition’ of vulnerable persons

Young person

Persons who are 16 to 18 years old.

Contact Details

Telephone:- 01432 261761

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

Address:- The Licencing Section, Herefordshire Council, Plough Lane,
Hereford HR4 0LE

Responses Received following Consultation.

Appendix 2

Received from	Comment	Outcome
A pub licensee	<p>Many thanks for being invited to comment on the gambling review you are undertaking. Whilst I know that you are obliged to show the full proposed text, similar businesses/authorities normally provide a "referral" document identifying the changes/modifications. Given that you have said in your covering letter that there are only a few minor alterations and, given that the existing policy document appears to have worked successfully, a simple summary of the variations might have been prudent.</p> <p>I have not found anything in the document to cause me concern but, it is long and detailed!</p>	Noted
Ross on Wye Town Council	<p>Consideration should be given to the number of betting shops in the town and limitations implemented on late opening times.</p>	<p>This would require the introduction of a cumulative impact policy which may be challenging (although not impossible), as any attempt will need to show evidence of the undermining of the Gambling Act licensing objectives, as a result of a number of betting premises in a particular area.</p> <p>The Licensing Authority are unaware of any issues associated with Ross On Wye.</p>

Changes to policy

Old	New
<p>1.1 Herefordshire is a mixed commercial and residential area, with many areas lying in tranquil rural surroundings, whose amenity the Council has a duty to protect, and one of the Council's aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.</p>	<p>1.1 Herefordshire is bordered by Shropshire to the north, Worcestershire to the east, Gloucestershire to the south-east, and the Welsh counties of Monmouthshire and Powys to the west. It has a population of 193,600 (mid-2020) and covers an area of 2180 square kilometres (842 square miles). 95% of the land is rural with over half the population living in these rural areas. At the centre of the County is Hereford City with a population of 61,400. The city is surrounded by the market towns of Leominster (12,200), Ross on Wye (11,400), Ledbury (10,100), Bromyard (3,361) and Kington (3,302). It has an ageing population with 24% of the residents over 65, compared to the national average of 18%. Earnings in Herefordshire are significantly lower than the average in England and the West Midlands. In 2022, the median weekly earnings for people who work in Herefordshire were £454.00, compared to £536.60 in England.</p>

<p>1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used to assist during the decision making process when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.</p>	<p>1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.</p>
	<p>1.8 Herefordshire Council recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of policy. Herefordshire Council acknowledges the benefits to the community of properly regulating gambling in the district.</p> <p>1.9 It should be noted that this statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.</p>

	<p>1.13 Declaration In producing the final statement, The Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.</p>
	<p>2.4 It should be noted that the Gambling Commission has stated ‘The Requirements in relation to children is explicitly to protect them from being harmed or exploited by gambling’.</p>
<p>2.7 <u>Licensing Conditions and Codes of Practice 2015 (LCCP)</u> The Gambling Commission released a new ‘Licensing Conditions and Code of Practice’ (LCCP) in February 2015 with a commencement date of May 2015. The code strengthened the ‘social responsibility’ code (SR) requirements.</p> <p>2.8 Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk</p>	<p>2.9 <u>Licensing Conditions and Codes of Practice 2015 (LCCP)</u> The Gambling Commission issues two types of code of practice. Social responsibility (SR) codes and ordinary codes (OC). A social responsibility code must be adhered to by all licence holders in the same manner as a licence condition. An ordinary code is not mandatory but operators are expected to take account of them. Both sets of codes can be found in the Commission’s Licence Conditions and Codes of Practices (LCCP).</p>

2.9 The code requires operators;

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

2.10 Risk Assessments

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

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

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

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

- Information held by the licensee regarding self-exclusions and incidences of

underage gambling,

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

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

- Institutions, places or areas where presence of children and young persons should be expected such as schools,

youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.

- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

2.14 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as

<p>hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.</p> <p>2.15 Other issues that may be considered could include: Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.</p> <p>2.16 This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.</p>	
	<p>Protection of children from harm</p> <p>3.2 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The policy is:</p> <ul style="list-style-type: none"> • the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;

	<ul style="list-style-type: none"> • the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and • that this body is experienced in dealing with the protection of children. <p>3.3 In accordance with the suggestion in the Gambling Commission's Guidance for licensing authorities, the Authority designates the Herefordshire Safeguarding Children's Partnership for this purpose.</p> <p>3.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Herefordshire Council's website at: www.herefordshire.gov.uk</p>
<p>4.3 In determining whether a person is an interested party, the Licensing Authority will take into account the 'Guidance to Licensing Authorities' by the Gambling Commission when determining whether a business interests might be affected by the authorised activities considering any factor considered to be relevant.</p> <ul style="list-style-type: none"> • Each case will be decided upon its merits, subject to the licensing objectives and to any requirements imposed by the Gambling Act, 2005. 	<p>Principles of determining Interested Parties:</p> <p>4.3 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.</p> <p>4.4 Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision making. It will consider</p>

- This authority will not apply a rigid rule to its decision making,
- It will take into account any guidance provided by the Gambling Commission's current 'Guidance to Licensing Authorities' and other current relevant guidance provided by the Gambling Commission to Licensing Authorities.

4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Other than these, however, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the

the examples of considerations provided in the Gambling Commission's Guidance for licensing authorities at 8.12 and 8.15. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

4.5 The Gambling Commission has recommended that the Licensing Authority state whom it considers represent interested parties. These include, but are not confined to, democratically elected representatives such as local councillors and Members of Parliament (no specific evidence of being asked to represent an interested person will be required as long as the councillor or Member represents the ward likely to be affected) and bodies such as trade associations and trade unions, and residents' and tenants' associations. The Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by, or has business interests that might be affected by the

<p>Councillors are not part of the Licensing Sub Committee dealing with the licence application.</p>	<p>authorised activities being applied for. A letter from one of these persons requesting representation shall be sufficient.</p> <p>4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee or Sub-Committee dealing with the licence application. If there are any doubts then please contact the Council's Democratic Services.</p>
<p>5.2 All representations must be received by the Licensing Authority within 28 days of the application being made to the Licensing Authority . The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.</p>	<p>5.2 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.</p>
	<p>6.3 The Licensing Authority will inform the Gambling Commission without delay if:</p> <ul style="list-style-type: none"> • Information that causes the Licensing Authority to question the suitability of a person or business

	<p>holding or applying to hold an operating licence is received.</p> <ul style="list-style-type: none"> • There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence. • If it comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded. • Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.
	<p>7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the policy to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers</p>

	<p>under section 346 of the Act to institute criminal proceedings in respect of the offences specified.</p>
	<p>7.8 The Authority recognises that certain gambling premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and who the Authority will contact first, should any compliance queries or issues arise.</p> <p>7.9 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:</p> <ul style="list-style-type: none"> • Article 1, Protocol 1 – Peaceful enjoyment of possessions • Article 6 – right to a fair hearing • Article 8 – respect for private and family life • Article 10 – right to freedom of expression
	<p>10.2 Local Risk Assessments</p> <p>It is a requirement of the Commission’s Licence Conditions and Codes of Practices (LCCP), specifically an SR code</p>

requirement that licensees assess local risks to the licensing objectives, posed by the provision of gambling facilities, at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

10.3 Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

10.4 The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises are in an area subject to high levels of crime and/or disorder;
- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
- the location of services for children such as schools, playgrounds, toy shops, leisure/community centres and other areas where children will gather such as fast food outlets;
- the demographics of the area in relation to vulnerable groups how vulnerable people, including people with gambling dependencies are protected;
- whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
- any indication in the area of young people attempting to access adult gambling facilities of the type offered in the area;
- high unemployment area;
- the area has a high number of rough sleepers/homeless people.

	<p>The risk assessment should take into account the risks presented by the local landscape.</p>
<p>10.8 The Licensing Authority will also take particular care in considering applications:</p> <ul style="list-style-type: none"> • for a part of a building, when another part of the building is not licensed and is used for non-gambling purposes. In these circumstances the entrances and exits from the licensed premises will have to be separate, identifiable and conspicuously distinct from the unlicensed areas. Persons using the unlicensed areas of the building must not be able to unknowingly ‘drift’ into the licensed area; and/or • involving access to the licensed premises through other premises (which themselves may be licensed or unlicensed). The Licensing Authority will consider issues such as whether children can gain access; the nature and compatibility of the two establishments; and the ability of the proposed licensed premises to comply with the requirements of the Act and the regulations. 	<p>10.8 The Licensing Authority will take particular care in considering applications for multiple licences for what may be considered a single premises.</p> <p>10.9 Definition of “premises” In the Act “premises” is defined as “any place”, and no premises except for a ‘track’ may have more than one premises licence.</p> <p>10.10 However, it is possible for a single place such as a building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises, will always be a question of fact in the circumstances. However, the Licensing Authority will consider the following when deciding whether a building or part of a building is a separate premises:-</p>

- Has it a different postal address?
- Has it a separate registration for business rates?
- Is a neighbouring premises owned by the same person or someone else?
- Can it be accessed from the street or a public passageway via a separate entrance?
- Can it only be accessed from any other gambling premises?
- Would the ordinary person on the street consider that they were one premise or two?

10.11 The Licensing Authority also takes particular note of the Gambling Commission's Guidance for Licensing Authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking

part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

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

10.12 It should be noted that following the case of *The Queen (on the application of) Betting Shop Services Limited v Southend-on-Sea Borough Council*, an applicant can obtain a full premises licence for premises in which it is proposed to offer gambling but the facilities have still to be constructed

	<p>or altered. Licensing Authorities are required to determine such applications on their merits.</p>
	<p>10.15 Applicants should note that the Authority is entitled to decide that it is appropriate to grant such a licence subject to conditions, but it is not obliged to grant such a licence.</p>
	<p>11.1 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance for Local Authorities we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>

11.4 Duplication with other regulatory regimes - The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider any planning or building regulations issues in relation to the premises, in its consideration of the licence application. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

11.5 Furthermore, the Authority notes the following statement from the Gambling Commissions Guidance:

When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning

	<p>or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.</p>
	<p>14.4 Where Bingo is provided in alcohol-licensed premises and reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.</p> <p>14.5 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as ‘high turnover bingo’.</p> <p>14.6 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week, which involves significant stakes and prizes, that makes it possible that the £2,000 in</p>

	<p>seven days is being exceeded, the Licensing Authority shall inform the Commission accordingly.</p>
	<p>17.2 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.</p>
<p>18.0 Reviews</p> <p>Generally a review is where any interested party or responsible authority asks the licensing authority to review a premises licence because of a matter arising in connection with one or more of the three licensing objectives.</p> <p>A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.</p> <p>18.1 Initiation of review by Licensing Authority</p>	<p>18.0 <u>Reviews</u></p> <p>A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from an interested party or responsible authority. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:</p> <ul style="list-style-type: none"> • in accordance with any relevant code of practice issued by the Gambling Commission; • in accordance with any relevant guidance issued by the Gambling Commission;

The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.

In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.

In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason

- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

18.1 In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that, a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause the Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

(such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

18.2 Application for review by responsible authorities and interested parties

Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

Note: If the application raises issues that are not relevant to the current Gambling Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises

<p>general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section.</p> <p>Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;</p> <ul style="list-style-type: none">• that the grounds are frivolous;• that the grounds are vexatious;• that the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;	
	<p>18.6 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:</p> <ul style="list-style-type: none">• The licence holder• The applicant for review (if any)• The Gambling Commission• Any person who made a representation• The Chief Officer of Police or Chief Constable

	<ul style="list-style-type: none"> • Her Majesty's Commissioners for Revenue and Customs.
	<p>Appeals – There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Hereford Magistrates Court.</p>
<p>19.1 Unlicensed Family Entertainment Centres (FECs) normally cater for families, including unaccompanied children and young persons.</p> <p>19.2 Unlicensed FECs can only provide category D machines under a gaming machine permit, and an unlimited number of such machines can be made available. Permits cannot be issued to vessels or vehicles.</p> <p>19.3 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or</p>	<p>19.0 <u>PERMITS</u></p> <p>19.1 Permits regulate gambling and the use of gaming machines in premises, which do not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.</p> <p>19.2 The Licensing Authority is responsible for issuing the following permits:</p> <ul style="list-style-type: none"> • Unlicensed Family Entertainment gaming machine permits • Alcohol licensed gaming machine permits • Prize gaming permits • Club gaming permits and club machine permits

mainly used for making gaming machines available for use (Section 238 of the Gambling Act).

19.4 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if West Mercia Police have been consulted on the application. The Licensing Authority will require applicants to demonstrate:

- a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act;) and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes.

19.5 Whilst the Licensing Authority can grant or refuse an application, it cannot attach conditions to this type of permit.

19.6 The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to

19.3 The Gambling Act 2005 states that a Licensing Authority may 'prepare a statement' of policy that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.

19.4 This Licensing Authority has prepared Statements of Principles in Respect of Prize Gaming Permits and Family Entertainment Centre Gaming Machine Permits which can be found on our website.

19.5 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

19.6 There is a minimum age of 18 for all players for all category A, B and C gaming machines, including category B3A gaming machines offering lottery style games.

<p>harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> a) criminal record checks for staff, b) appropriate measures / training for staff as regards suspected truant school children on the premises, c) appropriate measures/ training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on or around the premises. 	<p>19.7 However, there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.</p>
	<p>20.7 The Licensing Authority acknowledges that only premises that are wholly or mainly used for making gaming machines available may hold a Family Entertainment Centre (uFEC) gaming machine permit or a Family Entertainment Centre (FEC) premises licence. Both a licensed FEC and uFEC are classified as 'premises'. The Licensing Authority considers that, generally, premises such as an entire shopping centre, motorway service station, bowling alley or similar would not be suitable for licensing or to hold a permit. Further the Authority believes that the machines should be in a</p>

	<p>designated, enclosed area, they should not be in walkways or corridors forming part of a larger building.</p> <p>20.8 The Authority expects that a plan of the UFEC shall be supplied as part of the application.</p> <p>N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enables the transfer of a permit from one person to another, therefore a new operator will need to apply for their own permit.</p>
	<p>21.6 When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.</p> <p>21.7 The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:</p> <ul style="list-style-type: none">• It would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect

- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit
- The premises are mainly used or to be used for making gaming machines available, or
- An offence under the 2005 Act has been committed on the premises

21.8 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

21.9 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

	<p>23.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include branches of the British Legion and clubs with political affiliations."</p>
<p>23.0 Temporary Use Notices</p> <p>23.1 The procedures for temporary use notices are stipulated in the Act and the Regulations made thereunder. There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:</p> <ul style="list-style-type: none"> (a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months, and (b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months 	<p>24.0 <u>Temporary Use Notices</u></p> <p>24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.</p>

(provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).

23.2 The purposes for which a temporary use notice may be used are restricted to providing facilities for equal chance gaming (other than machine gaming) where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner. An example of this could be a poker competition.

As with "premises" (see Part B, Premises Licences, Definition of "premises") the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. This Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

The Licensing Authority will also have regard to the licensing objectives and will object to notices if considers that the

24.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

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

24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of a

<p>gambling should not take place, or only take place with modifications.</p> <p>The principles that the Licensing Authority will apply in considering whether or not to issue a counter notice in relation to a temporary use notice are the same as those it will use in determining premises licence applications.</p>	<p>“set of premises” the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.</p> <p>24.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commissions Guidance to Local Authorities.</p>
	<p>26.0 <u>Small Society Lotteries</u></p> <p>26.1 The promotion or facilitating of lotteries falls within 2 categories:</p> <ul style="list-style-type: none"> • Licensed Lotteries (these require an Operating Licence from the Gambling Commission); and Exempt Lotteries <p>26.2 One such exemption is ‘Small Society Lotteries’, these are non-commercial and have been established and conducted for one of the following purposes:</p> <ul style="list-style-type: none"> • for charitable purposes;

- for the purpose of enabling participation in, or of supporting, sports, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain

26.3 Those societies wishing to operate small society lotteries must first register with the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes the Society's principal office is situated in another area it will inform the Society as soon as possible.

26.4 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of registration.

26.5 The Licensing Authority will ask applicants to set out the purposes for which the society is established and will ask the society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The

Licensing Authority may, however, seek further information from the society and in particular may require a copy of the society's constitution.

26.6 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

26.7 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

26.8 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers

- Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Commission upon operators of large lotteries



Title of report: Designation of s151 Officer and Salary for Director of Finance Post

Meeting: Council

Meeting date: 26 July 2024

Report by: Chair of Employment Panel

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To approve employment panel's recommendations for the salary for the new post of Director of Finance and the designation of the post as the statutory s151 officer.

Recommendation(s)

That:

- a) The salary for the new role of Director of Finance is set at £104,583; and**
- b) The Director of Finance role is designated as the statutory s151 officer.**

Alternative options

1. Council could determine that the salary proposed for the post is not appropriate. This is not recommended as the salary has been determined after taking external advice on the appropriate level of pay for the role.

2. Council could determine that an alternative post should be designated as the statutory s151 officer. This is not recommended because the Director of Finance will be the council's most senior finance officer and the post holder will be best placed to fulfil the s151 responsibilities.

Key considerations

3. On 13 May 2024, the Chief Executive shared his plans with employment panel for disestablishing the post of Director of Resources and Assurance and establishing the new post of Director of Finance.
4. All finance related responsibilities would move to the Director of Finance, providing a single focus for the post holder. The remaining corporate responsibilities from the disestablished post include facilities, property, reception, executive support and the project management office (PMO) and these services would move to other directors or transfer to Hoople in line with the council's plan to transform the way in which we provide services.

Salary for the role of Director of Finance

5. At employment panel in May 2024, the Chief Executive committed to having the grade for the new Director of Finance role evaluated. The role of Director of Finance has now been evaluated with the assistance of West Midlands Employers. The role of Director of Resources and Assurance was previously evaluated at £114,261. Taking into account that the new role of Director of Finance is smaller in scope, the new role has been evaluated at £104,583. The evaluation takes into account the new size and scope of the role, benchmarking for comparable roles and recognises that it is proposed that the role will fulfil the statutory s151 responsibilities.
6. The Director of Finance is a new post with a new salary package. Approval for new salary packages over £100,000 is reserved to full council.
7. At its meeting on 18 July, employment panel received the salary recommendation for the Director of Finance post and decided to recommend to full council that the post of Director of Finance is established with a salary as recommended at £104,583
8. It is therefore proposed that Council approve the proposed salary of £104,583.

Designation of s151

9. Designating a newly established post as the s151 officer is also reserved to council.
10. At its meeting on 18 July employment panel considered a recommendation for the designation of the s151 officer and decided to recommend to full council that the post of Director of Finance is designated as the s151 officer.
11. The Director of Finance will be the council's most senior finance officer and the post holder will be best placed to fulfil the s151 responsibilities.

12. It is therefore proposed that Council approve the recommendation to designate the Director of Finance as the Statutory s151 Officer.

Appointment of the Director of Finance

13. The designation of a post as s151 officer, but not the appointment of an individual to that post, must be approved by Council and appointing a candidate into the post is delegated to employment panel. For completeness Council are advised that employment panel held an interview process for the role on 18 July and have identified a preferred candidate to undertake the role on a secondment basis pending full external recruitment in the autumn. A start date of 29 July 2024 is assumed to allow for all the necessary governance processes to take place.
14. The council has a suitably qualified deputy s151 officer who is able to assume all the relevant statutory duties while an appointment to the new post is made.

Community impact

15. In accordance with the adopted code of corporate governance, the council needs appropriate structures and leadership, as well as people with the right skills, qualifications and mind-set, to operate efficiently and effectively. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.
16. The post holder for this role provides strategic leadership to council services and has a key leadership role in Herefordshire, regionally and nationally. Without effective leadership, outcomes for communities and individuals in Herefordshire could be adversely affected.

Environmental Impact

17. The council's directors have shared responsibility for the delivery of the county plan and corporate delivery plan and the inherent environmental objectives and outcomes within these plans.

Equality duty

18. 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.

The council’s policies in relation to job evaluation and recruitment and selection pay full regard to the council’s responsibilities as set out in the public sector equality duty. The council is a disability confident employer and the council encourages applications from candidates from diverse backgrounds.

Resource implications

- 19. This new post is being established as part of a restructure of the senior team. A number of senior posts will be disestablished including the Director of Resources and Assurance and the Delivery Director, PMO. The combined salaries for those posts is £202,000 and the proposed salary for this post is £104,000.
- 20. Given the above, the table below sets out the cost of this new post, but it should be understood that this is not an additional cost. This appointment will be made within agreed base budgets.
- 21. Allowing time for the necessary governance process to take place, a start date of 29 July 2024 is assumed.
- 22. All salaries quoted are exclusive of on costs and before the 2024/25 pay award.

Revenue budget implications	2024/25
	£000s
Disestablished senior posts budgets	202
April 24 to June 24 costs	(56)
Salary for Director of Finance July 24 – March 25	(70)
Total Savings for 2024/25	76

Legal implications

- 23. The council is required to appoint a suitably qualified s151 officer to lead on the council’s financial functions and ensure they are fit for purpose as prescribed in Section 151 of the Local Government Act 1972.
- 24. Any employee employed by the council must be employed on the council’s normal terms and conditions and will be subject to all relevant policies and procedures as any other employee would be.
- 25. The Council’s Constitution at Part 3 Section 1 para 29 reserves appointments in excess of £100k and para 32 to designate a post as the s151 officer. Under para

4.9.10 of Part 4 Section 9, the Employment Panel has been delegated the role of selecting and appointing the s151 officer.

Risk management

26.

Risk / opportunity	Mitigation
The council will not have adequate arrangements in place to cover all s151 responsibilities	A well-qualified and experienced deputy s151 officer is in post and will cover all s151 responsibilities while an appointment is made

Consultees

27. Employment panel considered this proposal on 18 July 2024 and agreed to recommend the proposal to Council.

Appendices

None

Background papers

None identified.



Title of report: Leaders report to Council

Meeting: Council

Meeting date: Friday 26 July, 2024

Report by: The 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 meeting of Council held on 8 March 2024.

Recommendation(s)

That:

- (a) the report be noted.

Alternative options

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

Key considerations

- b. It is a constitutional requirement for the Leader of the Council to provide a report to the council meeting, other than the budget meeting, on the work of cabinet since the last meeting. The leaders report is set out in appendix 1.
- c. The report includes a summary of the matters decided by the cabinet and the cabinet members, any decisions taken under the urgency provisions and those subject to call in.
- d. It is customary for all of the decisions to be listed in an annex to this report (please see appendix 2). These decisions have been made available on the council's website. All councillors and members of the public have the opportunity to review these decisions as they are being made.

- e. Of the decisions taken since my last report one key decision has been taken under the general exception provisions (giving more than five but less than 28 calendar days' notice) and none were taken under the urgency provisions (less than five days' notice).
- f. Included in my report is a summary of what I consider the most significant priorities, as well as some additional subjects that I hope will be of interest.

Community impact

- g. The decision taken by the Cabinet and Cabinet Members are guided by the objectives set out within the recently adopted [Council Plan, 2024 to 2028](#).
 - a. **People** - enabling residents to realise their potential, to be healthy and benefit from communities that help people to feel safe and supported.
 - b. **Place** - Protecting and enhancing our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place and do everything we can to improve the health of our rivers.
 - c. **Growth** - Creating the conditions to deliver sustainable growth across the county; attracting inward investment, building business confidence, creating jobs, enabling housing development along with providing the right infrastructure.
 - d. **Transformation** – an efficient council that embraces best practice, delivers innovation through technology and demonstrates value for money.
- h. [The Delivery Plan 2024-2025](#) outlines how the council's priorities and objectives will be achieved and what will be delivered in the next 12 months. The Delivery Plan will be reviewed annually and progress will be reported on a regular basis
- i. 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

- j. The environmental impacts 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 council's [environmental policy commitments](#) and aligns to the objectives set out in the Council Plan (2024 to 2028) which include.
 - a) Valuing nature and upholding environmental standards to minimise pollution and maximise biodiversity;
 - b) Reducing waste, increasing reuse and recycling;
 - c) Working towards reducing county and council carbon emissions, aiming for net zero by 2030/31, and
 - d) Working with partners and communities to make the county more resilient to the effects of climate change.

Equality duty

- k. 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.
- l. 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. As this report provides a summary of activity undertaken, we do not believe that it will have an impact on our equality duty. These considerations are set out in each of the relevant reports informing the decisions listed at appendix 2, and will inform any future decision making.

Resource implications

- m. There are no new resource implications arising from the recommendations of this report. The resource implications of any decisions of the executive listed at appendix B have been set out within the relevant decision report and considered at the time the decision was taken and will inform any future decision making.

Legal implications

- n. 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 (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirements are met.
- o. There are no legal implications arising from the recommendations of this report. The legal implications 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.

Risk management

- p. There are no risks arising from the recommendations of this report. The risks 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 future decision making.

Consultees

None

Appendices:

Appendix 1: Leaders report to Council, 26 July 2024


Appendix 2: Executive decisions taken since 1 March, to 18 July, 2024

Appendix 3: Cabinet member portfolios

Background papers

None Identified

Appendix 1: Report of the Leader of the Council – 1 March to 18 July

Leader's Report	 Herefordshire Council
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I wish to open my report by remembering Bob Matthews who sadly passed away in June. Bob was one of our most popular, well known and longest serving councillors having been with Herefordshire Council since its formation in April 1998. I know we all feel a genuine sense of loss, with that loss made all the more poignant as we meet as a council for the first time since his passing.

Bob spoke passionately on a wide range of subject matter in his time as a councillor and through the years welcomed in many positive changes introduced by this council. Whether you agreed with Bob's political views, or not, we can all agree he worked tirelessly for the good of this county, his constituents and for this council. His strong advocacy of local democracy leaves a lasting legacy. Many of us here today stood to be councillors because of Bob's persuasive belief that the development of this county is through representation for and on behalf of our local communities. This council is the richer for it as result.

We will all miss Bob greatly and remember him fondly as a friend, colleague and a true local champion for Herefordshire

*In May Council agreed and adopted the new Council Plan (2024 to 2028). This sets out our strategic vision for the next four years. **Delivering the best for Herefordshire in everything we do.** We build of course on a strong foundation. Herefordshire is already a wonderful county and a great place to live. Better life expectancy, a thriving business base, entrepreneurialism and a growing educational sector are all factors underpinning the positive change we aspire to achieve for the county. In addition to the valued views and contribution offered by scrutiny, I am grateful to the nearly 1000 people who provided their views through the public consultation in helping us to develop this plan.*

In June, Cabinet set out and agreed our immediate priorities to begin the work of turning that vision into delivery. Our 2024/25 Delivery Plan sets out how the council's priorities and objectives will be achieved in the next 12 months. The Delivery Plan will be reviewed annually and progress will be reported on a regular basis. You will also be able to see week to week progress through the decisions we take as Cabinet and Cabinet Members – with clear commentaries setting out how each decision is contributing to strategic goals.

I have promised that I will update council on housing delivery at each meeting. To this end, we have recently gone out to tender to commission consultants to provide a report on affordable housing delivery, best practice and delivery models. This is designed to support the ongoing discussions around intervention options available to the council to address the County's affordable housing need. The tender closed on the 10th July and following evaluation the successful party, Three Dragons, who have previously worked with the council will shortly be appointed to undertake the work. Their final report is due at the end of September 2024.

My congratulations to Ellie, our new MP for North Herefordshire. We also congratulate Jesse Norman who retains his seat in South Herefordshire. We look forward to working with them both in the coming years ahead to achieve the best for Herefordshire

Herefordshire Council Plan – 2024 to 2028

Through the development of the Herefordshire Council Plan, four corporate priorities have been identified. These are:

- I. **People** – We will enable residents to realise their potential, to be healthy and to be part of great communities who support each other. We want all children to have the best start in life.
- II. **Place** – We will protect and enhance our environment and ensure that Herefordshire is a great place to live. We will support the right housing in the right place, we will support access to green spaces and we will do everything we can to recover the health of our rivers.
- III. **Growth** – We will create the conditions to deliver sustainable growth across the county; attracting inward investment, building business confidence, creating jobs, enabling housing development along with providing the right infrastructure, and
- IV. **Transformation** – We will be an efficient council that embraces best practice, delivers innovation through technology and demonstrates value for money.

The Herefordshire Council Plan, alongside the Medium Term Financial Strategy, provides the overarching policy framework within which decisions will be taken and resources allocated by Herefordshire Council over the next 4 years.

Delivery Plan 2024 to 2025 – turning the strategic vision in to delivery

Central to the realisation of this plan is the Delivery Plan 2024-25, which sets out the deliverables, milestones and progress against our priorities of People, Place, Growth and Transformation. As members of this council you will be able to mark our progress through quarterly reporting into Cabinet and routine financial monitoring against the approved revenue budget and capital programme. Alongside this we are developing annual service plans within each of the directorates which will be reporting progress monthly to the corporate leadership team.

In my report below, I have outlined where the cabinet and cabinet members decisions begin the delivery of those stated objectives.

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Theme 1 - People: We will enable residents to realise their potential, to be healthy and to be part of great communities that support each other.
We want all children to have the best start in life.

1: Children's Services – Improvement Update

Stated Delivery Plan Objective: Support all children to have the best start in life

This year we will: Develop a revised Children's Improvement Plan

Tina Russell has now formally started in her new role as Corporate Director of Children and Young People (as of 1 July 2024) on a fixed term contract until the end of March 2025. Tina is responsible for driving forward the Children's Services Improvement Programme at an increased pace. She brings extensive experience in both front line and leadership roles and a strong track record of delivering quality children's safeguarding taking Worcestershire from an Ofsted rating of Inadequate to Good.

We want all children to have the best start in life. We know that sometimes children and families need our help and we are committed to improving our children's services and providing support to families who need it. We are developing a Phase 2 Service Improvement Plan and this will be presented to cabinet in the Autumn. The plan recognises that a significant amount of work has already taken place and will guide our children's service improvement programme over the next 2 years.

Gladys Rhodes White stepped back from her role as the Improvement Advisor and we have welcomed Deborah McMillan as her replacement and are working with her to increase the pace of our improvement programme across the breadth of our children's services. The Children's Commissioner, Eleanor Brazil, has taken on the role as the Improvement Board chair. Our partnership with Leeds City Council is continuing.

2: Herefordshire and Worcestershire All-Age Autism Strategy

Contributes to Delivery Plan Objective: Support all children to have the best start in life

This year we will: Increase capacity of specialist Special Educational Needs (SEN) school places so that children and young people can attend a local provision that meets their needs

In March Cabinet approved the Herefordshire & Worcestershire All-Age Autism Strategy (2024-29). The strategy is ambitious, and sets out the priorities, high level aims and actions in around seven core priorities – these are:

- I. Improving understanding and acceptance of autism within society
- II. Improving autistic children and young people's access into education and support positive transitions into adulthood
- III. Supporting more autistic people into employment

- IV. Tackling health and care inequalities for autistic people
- V. Building the right support in the community
- VI. Improving support in criminal and youth justice systems, and
- VII. Keeping Safe

Work commenced in April with each priority lead working with stakeholders to co-produce an annual implementation plan based on the high level aims and actions identified within the strategy document. Implementation plans will identify any future resource implications for each of the organisations across the Integrated Care System (ICS) and business cases will be developed where appropriate.

In addition to the ICS wide governance, there will be additional oversight within Herefordshire, with regular progress updates reported into the Herefordshire Autism Partnership Board and the Special Educational Needs and Disability Assurance Board.

3: Hereford All Ages Carers Strategy

Stated Delivery Plan Objective: Enable people to support themselves and each other by providing the right help at the right time

This year we will: Improve services for carers of all ages

In July, Cabinet approved the All Ages Carers Strategy. The previous Carers Strategy ended in 2021 the delay in developing the new strategy was due to the pandemic and its aftermath and other competing priorities. At the beginning of September 2023, work commenced on the revised Strategy. In the development of the new strategy it has been important to ensure that it is co-produced with a wide range of organisations and people who have experience of being an unpaid carer. We have also spoken with representatives of organisations that help to support unpaid carers of all ages.

A working group was set up to help develop the strategy and identify key areas to focus on. Membership of the working group was broad with representation from Children and adults social care, Talk Community, Integrated Care System (ICS), National Health Service (NHS) and primary care, along with Voluntary, Community and Social Enterprise (VCSE) organisations who work directly supporting unpaid carers. In addition, some of the membership were also carers themselves.

The aim of this new strategy is very much to focus attention on the incredibly valuable work that unpaid carers undertake, often without being fully appreciated. We intend to raise the profile of carers of all ages and do our best to ensure appropriate support, information and guidance is available and easy to access. The strategy identifies six key priorities:

- a) Value and Recognition: unpaid carers feel recognised and valued,
- b) Board Young Carers: Young carers should have the same opportunities to enjoy a childhood that aligns with their peers.
- c) Technology-Enabled Care (TEC): New technology that can help to support, not only the cared-for person, but provide additional reassurance for carers.
- d) Carers Assessments and Support: the process of accessing carers' assessments should be straightforward and stress-free.

- e) Advice and Guidance: ensuring information is clear and easily available from different sources.
- f) Staying Healthy: help to maintain good health while balancing their caregiving and other life demands

4: Holiday Activity and Food Programme – free school meals

Stated Delivery Plan Objective: Tackle inequality and facilitate social mobility by focussing on early intervention and prevention activities that enable people to live independent and fulfilling lives.

This year we will: Deliver schemes to tackle inequality and support our most vulnerable residents

Thousands of Herefordshire children and young people in nurseries, schools and colleges, will continue to receive free school meals support over the summer break. There are over 4,700 children primary and secondary school pupils who are entitled to benefits related free school meals will receive a free food voucher up to the value of £90 or equivalent directly through their schools, to cover the cost of a lunchtime meal during the school holidays.

Children who are eligible for the early year's pupil premium and are not in a school setting, will receive a voucher posted direct from the council. Primary and secondary schools will be contacting parents and carers before the summer holidays to let them know that they are entitled to the free school meal vouchers, and how to receive them.

Parents can check their eligibility and apply for free school meals on the [council's website](#).

***Theme 2: Place:** We will protect and enhance our environment and ensure that Herefordshire is a great place to live. We will support the right housing in the right place, and do everything we can to improve the health of our rivers.*

5: Local Transport Plan – New Objectives

Stated Delivery Plan Objective: Develop Herefordshire as a place for growth, prosperity and communities to thrive.

This year we will: Deliver a new Local Transport Plan

Herefordshire's Local Transport Plan (LTP) is a policy framework and statutory document that sets out how the council intends to plan, manage and deliver transport across the county. Under current Department for Transport direction, all local authorities are required to ensure they have an up to date LTP. Our current strategy adopted in 2016, has not been reviewed since its adoption.

The new objectives of the LTP will cover the whole of Herefordshire, linking in with neighbouring authorities' and partner's networks, and is comprised of an overarching strategy document and an implementation plan. The implementation plan will include short, medium and long-term costed programmes which could include a wide range of transport improvements, from new highway infrastructure to support growth and tackle congestion or safety problems, to improvements to local bus services and enhancing rail facilities.

The new LTP comes at an opportune time for the Council to support wider ambitions such as the Big Economic Plan and the Joint Local Health and Wellbeing Strategy. In particular, the LTP is intrinsically linked to the council's emerging Local Plan (also referred to as the Core Strategy). For example, investment in transport is required when planning for new housing development and land use, and the location and design of these will have an impact on travel patterns and the new infrastructure needed to support them.

Once adopted, the strategy will enable the council to access future transport funding for the county. While we await future policy direction being given by Department for Transport (DfT), following the change in government, we continue to expect that future local transport settlements will need to continue to demonstrate reductions in transport carbon emissions, progress in the areas of active travel (walking and cycling), increased use of public transport and the roll out of infrastructure to support electric vehicles (EV).

It is essential that our LTP objectives are an all-encompassing covering all aspects of Herefordshire's transport ambitions, from major infrastructure proposals through to local accessibility improvement plans. We are therefore positioning Herefordshire LTP as a positive, ambitious plan to include growth, a high level of partnership working to set out our plans and achieve our objectives.

6: New Road Strategy for Herefordshire

Stated Delivery Plan Objective: Develop Herefordshire as a place for growth, prosperity and communities to thrive.

This year we will: Deliver the New Road Strategy

In March Cabinet agreed to recommence progress, within the existing policy frameworks, of the Hereford Western Bypass linking the A49 north and south of the city. This also consists of the Southern Link Road as Phase 1 and the Western Bypass as Phase 2 to realise the county's strategic housing and employment land growth critical to the Herefordshire economy. It taking this decision, Cabinet agreed to draw down and spend £10.3m of approved capital funding for Phase 1 of the Hereford Western Bypass (HWB) and £760,000 of revenue funding for Phase 2

Plans for a bypass to the west of Hereford had been in development for many years and two schemes – the South Wye Transport Package and the Hereford Transport Package – were part of the council's capital programme. The new roads at the heart of each package were known, as the Southern Link Road and the Western Bypass, and included a wider programme of transport measures for walking and cycling infrastructure improvements intended to realise the local benefits and opportunities from the resulting change in traffic patterns.

The two schemes formed, and still form, a critical part of existing Council policy being integral to the Council's current Local Transport Plan (LTP) and Core Strategy. Planning permission for the Southern Link Road scheme remains in place and a preferred route had been selected for the Western Bypass.

Herefordshire's economy faces a number of significant long term challenges. Long journey times for road freight, with major bottlenecks around Hereford, lead to increased costs for businesses and discourages investment. These infrastructure challenges make it harder for people, especially younger and older residents, to access training, work, leisure and services. They are a significant contributor to lower business productivity, competitiveness and growth

The recently formed Marches Forward Partnership recognises a bypass for Hereford to tackle congestion and delay as a priority project benefitting Shropshire, Monmouthshire, and Powys as well as Herefordshire. We hope that the previous governments commitment to DfT and the Council continuing to work closely together to discuss proposals to address the critical need for additional highway infrastructure will be ongoing. Infrastructure that can help unlock growth, jobs, new housing whilst also alleviating, delays and congestion in the County.

7: Marches Forward Partnership

Stated Delivery Plan Objective: Expand and maintain the transport infrastructure network in a sustainable way and improve connectivity across the county.

This year we will: Work with partners across the recently launched Marches Forward Partnership

You will recall from my March report the setting up of the Marches Forward Partnership. Since its launch in 2023, the partnership has been looking at ways to unlock new investment into the English and Welsh border region that is home to 750,000 people. On 14 May partnership members met to begin shaping a Marches Manifesto. The four founding councils - Herefordshire, Monmouthshire County, Powys County and Shropshire – have consulted with representatives from government, business, farming and food producers, land managers, transport experts and environmentalists. Areas where their views were sought centre around four key themes:

- a) **Nature, Energy & Climate Adaptation** – Looking at opportunities based around the natural environment, and current and future challenges to the climate, energy and nature.
- b) **Transport & Digital Connectivity** - Improving infrastructure and connectivity across the Marches to give better access to jobs, education and opportunities.
- c) **Health, Housing & Skills** - Focusing on the sustainability and well-being of communities, skills development in response to employers needs and accelerated housing delivery.
- d) **Food, Development & Visitor Economy**- Encouraging economic growth of our economy, developing and promoting the region's unique offer.

While detail on how the new Labour Government will seek to engage with the emerging regional geographies the draft "Marches Manifesto" provides a clear starting point to shape discussions with both Cardiff and Westminster. There are significant economic benefits – as we see it - by us joining forces and working with our neighbouring and cross border

authorities. Herefordshire is well positioned to provide a strong voice in the development of this initiative. With the adoption of our Council and Delivery Plans, we are able to state our positions clearly and coherently on behalf of Herefordshire.

8: Public Realm Services

Stated Delivery Plan Objective: Develop Herefordshire as a place for growth, prosperity and communities to thrive.

This year we will: Deliver the Public Realm Services

In March, the Cabinet considered the Public Realm Services contract which delivers highways, traffic management, public rights of way, parks and open spaces, street cleaning and street lighting. The current contract model is heavily outsourced with the Council retaining a small client and contract management function. Public rights of way and traffic management services were brought back in house in 2021.

The current contract term runs through to 31 August 2026 and the council is not seeking to extend the current arrangements, with Balfour Beatty Living Places beyond 31 May, 2026. Ahead of this Cabinet is seeking to set out new and enhanced contract to improve control and performance within new the council's new contractual arrangements.

9: Public Realm Contract

Stated Delivery Plan Objective: Develop Herefordshire as a place for growth, prosperity and communities to thrive.

This year we will: Deliver the Public Realm Services

In June, Cabinet considered the Public Realm Contract. The vision for new contractual arrangements that embrace technology, automation and digital innovation. We wish to see a transition to electric plant and vehicles, using materials to meet carbon reduction ambitions. Investment in people to ensure our public realm services continually improve to best meet the needs of local residents and communities. We are investigating current trends and best practice in the sector with a view to developing new contractual arrangements to include these objectives.

The 'model' we are considering includes services proposed to be transferred to the council, the services proposed to be delivered in a new Public Realm Services Contract. We will be undertaking market engagement during summer 2024, where contractors will be invited to engage with the council to give their expert opinions on the proposed model and contracting arrangements. This will provide the council valuable insight to refine our preferred model and give a clear indication of the level of likely interest for competitive procurement. A further report will be presented to Cabinet in autumn, 2024 highlighting the outputs from the market testing and seeking final approval of the model.

Permission will also be sought to commence the procurement in early 2025. This will provide sufficient time to carry out the procurement and allow for mobilisation to ensure the new model and contracting arrangements are fully operational from 1 June 2026. Until the new model and new contracting arrangement come into effect on 1 June 2026, the council and Balfour Beatty

Living Places will continue to work together to deliver the public realm services under the current contracting arrangements, and are committed to work together to support a smooth transition to the new arrangements.

10: Wetland Development and Phosphate Credit Scheme

Stated Delivery Plan Objective: Value nature and uphold environmental standards to minimise pollution and maximise biodiversity.

This year we will: Deliver Phase 2 Strategic Mitigation for Phosphate Credits

Herefordshire Council's Planning team has won the 2024 West Midlands Planning Excellence Award by the Royal Town Planning Institute (RTPI). The award is the second time the council's ground-breaking Luston Wetlands project has been held up as leading in example in tackling and mitigating the effect of pollution in our waterways.

High levels of Phosphate have long been known to damage our rivers including the Wye and Lugg. By 2019 Natural England advised Herefordshire Council that the levels of phosphate in the Lugg sub catchment meant that in order to protect the river, any new housing development must fully offset its phosphate load.

Herefordshire Council has responded to this issue by developing the Luston Wetland to capture and remove phosphate and trade Phosphate Credits with developers to enable housing growth in the north of the county. The scheme ensures that more phosphate is removed from the river system than is returned to it through any form of development. The creation of the wetlands have the added benefit of boosting local biodiversity and wildlife.

The Luston Wetland is partly funded by developers, and the remainder through New Homes Bonus and historical funding from the now abolished Marches Local Enterprise Partnership. The Council also recoups costs through planning contributions which in turn allow for further investment in additional wetland sites.

Since commencing the trading of phosphate credits from Luston in July 2022, the council has received £1,159,354.52 phosphate income to manage and invest in future wetland projects and released planning permissions for 620 dwellings.

The Council have secured planning permission (P230655/CD3) for the creation of a second integrated constructed wetland in Tarrington and are about to start trading credits with developers resulting in the release of further land for housing.

Theme 3 - Growth: We will create the conditions to deliver sustainable growth across the county; attracting inward investment, building business confidence, creating jobs, enabling housing development along with providing the right infrastructure

11: Acquisition of Housing and land

Stated Delivery Plan Objective: Work with partners to provide high quality and affordable housing to meet all needs

This year we will: Enable the delivery of affordable properties in the county, including council owned land, through registered providers and developers, and, secure accommodation for vulnerable people at risk of homelessness

In July, Cabinet approved the addition of £5million to the capital budget to provide and enable the cabinet to take decisions quickly if and when properties or land become available. We wish to use that funding to take up opportunities to buy land or suitable housing, for example, for those requiring temporary accommodation without delay. The market is such that suitable land or housing sites are often quickly sold.

The £5million is being added on the basis that any rental income will cover the running costs and provide a surplus to repay the cost of borrowing over the useful life of the asset. Homes England grants will be also be applied for where possible to reduce the overall borrowing costs and be added to the capital programme by the S151 delegated powers.

Inclusion in the capital programme is not approval to proceed. Each project will be subject to its own governance, a full business case will be presented for approval where required and compliance with the council's contract procedure rules as applicable. The overall aim of capital expenditure is to benefit the community through improved facilities and by promoting economic growth.

12: Wye Valley Trust – Investment Partner

Stated Delivery Plan Objective: Support residents to access skills development, training and employment opportunities.

This Year we will: Work in partnership with Wye Valley Trust with a view to developing a new Education Centre at Hereford County Hospital

Work towards achieving this objective began in March, Cabinet agreed to an increase in value offered as an investment to Wye Valley Trust to enable the development of an Education Centre at Hereford County Hospital subject to a business case being brought back to cabinet for approval in autumn, 2024. Wye Valley Trust produced a cost plan in July 2023 which has been uplifted to reflect an estimate of price increases applicable to the scheme in order to arrive at a realistic assessment of total costs. Based on these costs Wye Valley Trust have anticipated they would require a loan of £15million from Herefordshire Council.

Herefordshire Council has a strong interest in the positive success of this project as we want to maximise learning opportunities for all learners across all sectors and services. We believe that by enabling Wye Valley Trust to achieve the building of this centre through a loan agreement we will contribute towards state of the art teaching facilities, increased capacity for multi-professional education, equitable training and development opportunities and space and facilities for community wellbeing programmes.

The Education Centre is set to fulfil the following aims:

- a. Deliver high quality multi professional education, supported by one integrated team
- b. Make education accessible to all staff, from our most junior students across all sectors and services
- c. Provide access to equitable, high quality support for all learners, aligned with current education programmes. Plus, ensuring adequate preparation for the future healthcare careers
- d. Maximise the passion, expertise, strengths and commitment of the education infrastructure and wider partnership networks
- e. Provide essential education, training, support and services to benefit the whole of the Hereford Community.

The total cost for the scheme is £17.5m, this is proposed to be made up from £15m from Herefordshire Council, £2.5m from Charitable Funding. This is subject to potential changes if more funding becomes available to WVT through other sources of funding.

Theme 4 - Transformation: We will be an efficient council that embraces best practice, delivers innovation through technology and demonstrates value for money.

13: Digital Strategy

Stated Delivery Plan Objective: Adopt the digital strategy to embed improved technology across the council

This year we will: Develop and implement an updated Digital Strategy for improved customer experience, communication and connectivity

Digital transformation plays a key role in creating a local authority of the future. Increased and improved use of technology can help evolve public services and meet the needs of communities more effectively and efficiently. The 2024 to 2028 digital strategy outlines how the council will make the most of digital, data and technology to deliver services.

The new strategy reflects that digital, data and technology services are critically important organisational assets, which need proactive management to maximise value for residents and operation of the council. Digital services operate in a fast-paced environment. Advances in technology help create efficient services and respond to growing customer expectation in accessing services through technology. With this increased utilisation comes heightened risk of abuse through cyber-attacks and IT data breaches that the Council needs to mitigate against.

The strategy identifies what successful outcomes will look like for Herefordshire Council by 2028. The strategy will act as an enabler for digital, data and technology 'business as usual', and for projects within the council, which are managed and overseen as part of the Information Technology and Partnership Transformation Board.

14: A new workforce strategy

Stated Delivery Plan Objective: Attract and retain an excellent workforce through effective approaches to recruitment and retention.

This year we will: Implement the Workforce Strategy

In May, the cabinet member for finance and corporate services approved the Council's workforce strategy which covers the years 2021 – 2024. The strategy was written before the pandemic and although the strategy is current and reflects many of the aims and ambitions for our workforce, the strategy is silent on some important aspects of working in the council such as children's improvement, our agile working programme which is called 'Flexible Futures' and our transformation and culture change programme called THRIVE as well as our emerging recruitment identity the 'Spirit of Herefordshire'

The workforce strategy, has been shaped in response to a range of drivers which will create change within the council, including external factors and trends, themes within our key strategic plans, and internal and external challenges we face. It has been developed using feedback from employee engagement via a number of employee surveys, reviews, network group meetings and facilitated focus groups.

Workforce drivers from children's services improvement has also influenced the Workforce Strategy themes - if we are to build strong, trusting relationships with families and partners, we need a skilled and motivated workforce. We are reducing our use of agency staff, and investing in a clear focus on permanent recruitment and developing staff internally. Although recruitment in a number of our services is a challenge, both regionally and nationally the inter-connected themes within the strategy will support retention of staff and seek to attract new talent to the council.

15: Parish Summit, 9 July

Stated Delivery Plan Objective: Work collaboratively with our residents, communities and businesses to achieve the best results together

This year we will: Ensure improved working with Town and Parish Councils

On Tuesday 9 July, 90 Parish Councillors attended the first of our newly reinstated Parish Summits. It was an excellent opportunity to exchange information and ideas with our first tier of local government partners. The Marketplace included planning services, housing, Talk Community, Transport and Waste, and Early Help, amongst other valued services. It was invaluable to be able to explore our shared interests and gain their insights from our differing perspectives.

This type of engagement is so important in turning strategies, like the council plan, into delivery. Our continued work with residents, the voluntary, community, public sector partners and with businesses will continue. We all have vested interests and vital roles to play in Herefordshire's success.

Appendix 2: Decisions – taken between 1 March and 18 July	Date Taken	Effective From
Cabinet Decisions		
Addition of Capital Budget to provide an Acquisition Fund for Housing Provision	18/07/2024	Budget Item
Herefordshire all ages carers strategy	18/07/2024	25/07/2024 (if not called-in)
Delivery Plan 2024-25	27/06/2024	04/07/2024
The new Public Realm services	27/06/2024	04/07/2024
Quarter 4 Performance Report	16/05/2024	23/05/2024
Quarter 4 Budget Report	16/05/2024	23/05/2024
Herefordshire Council Plan 2024-2028 (formerly known as Corporate Plan - County Plan 2024-2028)	16/05/2024	16/05/2024
Public Realm Services	25/04/2024	25/04/2024
Fourth Ofsted Monitoring Visit feedback	28/03/2024	06/04/2024
Herefordshire and Worcestershire All Age Autism Strategy 2024-2029	28/03/2024	06/04/2024
Wye Valley Trust (WVT) Investment Partnership Model	28/03/2024	06/04/2024
New Road Strategy for Hereford	28/03/2024	06/04/2024
Objectives for New Herefordshire Local Transport Plan	28/03/2024	06/04/2024
Cabinet Member: adults, health and community wellbeing		
Grant acceptance and purchase of accommodation to address gaps in homelessness pathway provision: additional funding	20/05/2024	25/05/2024
Reprocurement of New IT Software to support Housing Solutions and Choice Based Letting	18/04/2024	26/04/2024
Cabinet Member: children and young people		
High Needs Budget 2024/25	01/05/2024	09/05/2024
Cabinet Member: community services and assets		
Approval to spend the National Lottery Heritage Fund Delivery Grant for the Hereford Museum and Art Gallery redevelopment project	02/04/2024	09/04/2024
New Lease Edgar Street Football Ground	05/07/2024	12/07/2024
Property Services Estate Capital Building Improvement Programme 2024/2027	07/03/2024	14/03/2024
Property Services Planned and Reactive Maintenance Programme 2024/2025	07/03/2024	14/03/2024
Student Accommodation in Hereford City	29/02/2024	07/03/2024

Appendix 2: Decisions – taken between 1 March and 18 July	Date Taken	Effective From
Cabinet Member: environment		
Planning and Regulatory Services software	02/05/2024	02/05/2024
Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding waste and recycling	20/03/2024	20/03/2024
Executive response to recommendations made by Environment and Sustainability Scrutiny Committee regarding River Water Pollution and Implementing the Environment Act 2021	28/05/2024	28/05/2024
Cabinet Member: finance and corporate services		
Equality Policy 2024-2027	09/05/2024	16/05/2024
Household Support Fund 5	14/05/2024	21/05/2024
Workforce Strategy 2024-2028	15/05/2024	23/05/2024
Cabinet Member: roads and regulatory services		
Gambling Act 2005 - Statement of Gambling Licensing Policy 2024 – 2027	05/07/2024	05/07/2024
Resurfacing Herefordshire Highways	22/04/2024	27/04/2024
2024/25 Capital Investment in Existing Highway Infrastructure	13/06/2024	20/06/2024
Additional Department for Transport Highways Maintenance Funding 2023/24 & 2024/25	17/04/2024	24/04/2024
Public Realm Services Annual Plan 2024 - 2025	28/03/2024	06/04/2024
Highway Maintenance Plan	29/04/2024	04/05/2024
Traffic Signal Obsolescence Grant and Green Light Fund	29/04/2024	04/05/2024

Appendix 3: Section1 - Cabinet member portfolios

Leader (corporate strategy and budget): Councillor Jonathan Lester

Cabinet Support Members: Councillors Dan Hurcomb and Nick Mason

- Corporate policy and strategy
- Corporate budget
- Represent the Council on various business and economy organisations including the Marches LEP, Herefordshire Business Board and the Enterprise Zone Board. Working with the Portfolio holder for the Economy.
- Governance of external arrangements with companies, outside bodies and partnerships
- Member of the Council's Shareholder Committee
- External liaison and relationships
 - Local Government Association (LGA)/County Councils' Network (CCN)
 - European and national matters
 - Regional matters
 - Marches Local Enterprise 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 initiative not specifically allocated to any other portfolio

Environment (Deputy Leader): Councillor Elissa Swinglehurst

Cabinet Support Members: Councillors Dan Hurcomb and Nick Mason

- Deputise for the Leader in their absence.
- Waste Management Strategy
- Waste collection and disposal
- Cabinet Commission on Phosphates
- Planning services, land use strategies including Core Strategy
- Environmental and conservation promotion, protection and sustainability including response to climate emergency.
- 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

Community Services and Assets: Councillor Harry Bramer

- Council asset, investment property strategies and property strategies
- Council property services including facilities management
- Major Contracts
- Commissioning and procurement strategy and policy
- 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

Children and Young People : Councillor Ivan Powell

- 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 and safeguarding
- Services for vulnerable young people/children/families
- Lead member for children's services in accordance with the Children's Act 2004
- Corporate parenting
- Children and young people's education and attainment
- Post 16 education, training and skills development, including 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 other specific responsibilities as allocated by the leader

Finance and Corporate Services: Councillor Pete Stoddart

- 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 and digital strategy
- Human Resources
- Health and safety
- Performance, improvement, risk management, research and intelligence
- Services under Governance and Legal Services
- Registrars and Coroner Services
- Communications, and social media including website
- Digital Connectivity
- 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

Adults, Health and Wellbeing: Councillor Carole Gandy

- 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
- Homelessness, housing allocation and condition
- Leadership of Health and Wellbeing Board and partnership working with health
- Co-chair of the Integrated Care Partnership Assembly
- Public Health Strategy
- Emergency planning and business continuity
- Community engagement and development, encompassing Talk Community, Talk Parish Summits and Parish Shared Services
- 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
- Community Safety including the Community Safety Partnership
- Bereavement services
- Any other specific responsibilities as allocated by the leader

Economy and Growth: Councillor Graham Biggs

- Economic development and regeneration
- Strategic Housing
- Tourism strategy
- 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.

Roads and Regulatory Services: Cllr Barry Durkin

- Animal health and welfare
- Environmental health and trading standards
- Markets and fairs
- Licensing
- Car parking policy and services
- Public realm contract management
- Gypsy and traveller 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

Transport and Infrastructure: Councillor Philip Price

- Transport and highways policy and strategy
- Public Transport and active travel measures
- Land drainage, flood alleviation, rivers and waterways
- Public Rights of Way
- Street scene design, policy and delivery
- Traffic Management
- 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