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20 January 2016

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend the meeting on **Thursday 28 January 2016 at 6.00pm in the COUNCIL CHAMBER, TOWN HALL, MATLOCK.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written in a cursive style.

Sandra Lamb
Head of Corporate Services

AGENDA

EMERGENCY PLANNING BRIEFING FOR ELECTED MEMBERS

A briefing for Members, by Liz Partington from Derbyshire County Council, on Emergency Planning.

1. APOLOGIES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

19 November 2015 and 11 January 2016

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Chairman of the District of Derbyshire Dales.

6. COMMITTEES

To receive the non-exempt minutes of the Committees shown below:

Committee	Date
Non Exempt Minutes to be Received	
Council	19 November 2015
Council (Special)	11 January 2016
Licensing & Appeals Sub Committee	09 November 2015
Licensing & Appeals Sub Committee	18 November 2015
Ernest Bailey Charity Committee	26 November 2015
Planning Committee	01 December 2015
Planning Committee	15 December 2015
Local Plan Advisory Committee	12 January 2016
Community & Environment Committee	14 January 2016
Local Plan Advisory Committee	18 January 2016
Planning Committee	19 January 2016
Local Plan Advisory Committee	20 January 2016
Governance and Resources Committee	21 January 2016

MINUTE BOOK TO FOLLOW

7. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

Page Nos.

9. LOCAL COUNCIL TAX SUPPORT FOR 2016/17

5 - 8

To seek approval for proposed changes to the Local Council Tax Reduction Scheme for the financial year 2016/17.

10. PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2016/17

9 - 20

To consider a report on the Provisional Local Government Finance Settlement 2016/17 and a response to a consultation paper on the basis of distribution of Revenue Support Grant, and calculation of 'tariff' and 'top up' payments.

11. TRANSFORMING DERBYSHIRE BUILDING CONTROL

21 - 24

To consider agreement in principle to an arrangement with other Derbyshire Authorities for the delivery of all Building Control Services as a transfer of undertakings; delegation arrangements in relation to service level agreements and contract terms and conditions and transfer of six posts, under TUPE Regulation, to the new provider.

- 12. HEALTH AND WELLBEING STRATEGY** **25 - 36**
- To consider adoption of a Health and Wellbeing Strategy for the District Council.
- 13. REVIEW OF THE COUNCIL'S GAMBLING STATEMENT OF PRINCIPLES (POLICY) MADE UNDER THE GAMBLING ACT 2005** **37 - 69**
- To consider approval of adoption and republication of the District Council's Gambling Statement of Principles to take effect from 31 January 2016 to January 2019.
- 14. LICENSING ACT 2003 REVIEW OF LICENSING POLICY (ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT)** **70 - 93**
- To consider approval of adoption and republication of the District Council's revised Alcohol, Entertainment and Late Night Refreshment Licensing Policy Statement to remain in force from January 2016 for a maximum of 5 years when it must be formally reviewed.
- 15. LOCALISM ACT – PAY POLICY STATEMENT** **94 - 108**
- To consider approval of the District Council's Annual Pay Policy Statement for 2016/17.
- 16. MEMBERS' ALLOWANCES – RECRUITMENT OF INDEPENDENT REMUNERATION PANEL** **109 - 110**
- To consider an extension to the temporary appointment of three members of the Independent Remuneration Panel until 31 December 2016.
- 17. AMENDMENT TO SCHEME OF DELEGATION AND AN APPOINTMENT TO AN OUTSIDE BODY** **111 - 112**
- To consider approval of amendments to the District Council's scheme of officer delegation and an appointment to an outside body.
- 18 SEALING OF DOCUMENTS**
- To authorise that the Common Seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.
- 19. EXCLUSION OF PUBLIC AND PRESS**
- At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors

20. COMMITTEES

To receive the exempt minutes of the Committees shown below

Licensing and Appeals Sub-Committee

18 November 2015

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail committee@derbyshiredales.gov.uk

COUNCIL
28th JANUARY 2016

Report of the Head of Resources

LOCAL COUNCIL TAX SUPPORT FOR 2016/17

SUMMARY

This report informs members of the proposed changes to, and seeks approval to adopt, the Local Council Tax Reduction Scheme for the financial year 2016/17.

RECOMMENDATION

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the Council approves and adopts the scheme detailed in this report as the local Council Tax Reduction Scheme for 2016/17.
2. That a maximum total amount of £15,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2016/17 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

WARDS AFFECTED

All Wards.

STRATEGIC LINK

The adoption of a local Council Tax Reduction Scheme is a statutory requirement and there is no link to the Council's priorities.

1 BACKGROUND

- 1.1 The government abolished Council Tax Benefit from April 2013 and replaced it with Local Council Tax Reduction Schemes, to be determined by each Council.
- 1.2 The scheme approved and adopted for 2013/14 (and retained for all subsequent years) was based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the following amendments:
 - (a) The amount of any reduction for working age claimants is reduced by 8.5%.
 - (b) The period for extended payments is increased from four to eight weeks to assist claimants who moved back into work.
 - (c) The full amount of income from war widow pensions etc. is disregarded in the calculation of income (instead of standard £10 disregard).

(d) Provision is made for additional awards in cases of hardship up to a total maximum amount of £15,000.

1.3 It should be noted that the local scheme originally adopted from 1st April 2013 and retained for subsequent years, continues to be well received and unlike similar schemes elsewhere has neither been subject to Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations). It should also be noted that the Council has not been required to attend an VOA Appeal Tribunal to defend decision making on individual claims under the terms of its scheme. This has not been the case for some neighbouring councils.

1.4 The Council has previously consulted widely on this scheme that protected working age claimants from significant reductions with the remaining savings achieved from other changes to Council Tax discounts on empty properties and second homes.

2 REPORT

2.1 The local Council Tax Reduction Scheme must be reviewed annually and any changes made approved no later than 31st January in the financial year preceding that for which the changes are to have effect. No technical changes are proposed to the scheme to be adopted for 2016/17 and so no new consultation with the public or with precepting authorities has been necessary.

2.2 The government makes annual changes to the prescribed elements of the scheme for pensioners (in The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015 (S.I. 2015 No 2041) by uprating the allowances, premiums and non-dependent deductions used in the calculation of a reduction.

2.3 Any changes to the allowances, premiums and non-dependant deductions for working age claimants remain at the discretion of the local authority and these are updated every year in advance of next year's scheme by reference to an annual uprating circular issued by the Department for Work & Pensions for housing benefit purposes.

2.4 The amounts in that circular are replicated in the 'Prescribed Requirements' regulations for pensioners. The circular also contains the working age upratings to be used for housing benefit calculations.

2.5 A slight amendment to the 'Prescribed Regulations' from 30th April 2016 permanently removes entitlement to Family Premium for any pensioner household where the claimant ceases to have responsibility for a child. Transitional protection provisions will apply. Any household experiencing hardship resulting from this change will be eligible to request a discretionary hardship award but it is anticipated that numbers affected will be low. The decision has been made not to mirror this change within the Local Council Tax Reduction Scheme for working age households during 2016/17.

2.6 Discounting the change to pensioner household entitlement to a Family Premium, it is proposed, in the interests of clarity and equity that all other allowances, premiums and non-dependant deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants in line with the 'Prescribed Requirements' regulations and the DWP circular A13/2015 (Housing Benefit: Uprating 2016/17). No other changes to the local scheme for 2016/17 are proposed.

2.7 The amount £15,000 previously fixed for hardship applications is being used in

appropriate cases and it appears that the amount will be sufficient and is currently on track to be used in full. It is therefore proposed that the same amount be set for hardship applications in 2016/17 with the provision that a further report be taken to Council if it appears during the year that this amount may not be sufficient.

- 2.8 Due to its size (in excess of 140 pages), the complete proposed local Council Tax Reduction Scheme for 2016/17 is included as a background paper to this report and is available to Members on request. The final adopted scheme for 2016/17 will be published in full on the Council's website by 31st March 2016.

3 RISK ASSESSMENT

Legal

The adoption of the Council Tax Reduction Scheme accords with the statutory provisions. The legal risk in that regard is low.

All decisions taken by the Council, all services provided or enabled by the Council and all personnel functions of the Council are required to take account of the Equality Duty. Failure to comply with the Equality Duty would render the Council open to legal challenge. As there are no significant changes to the scheme proposed for 2016/17, a full consultation exercise was not deemed necessary although the major precepting authorities have been consulted.

Financial

The expenditure on Council Tax Support has remained at a fairly constant level through the year with no increase in caseload. The amount of hardship relief set for 2016/17, £15,000, also appears to be sufficient and is estimated that it will be used in full by March 2016. Although the expenditure on Council Tax Support has not increased, it is felt prudent to include an amount for possible increases in claims in the Council taxbase for 2016/17.

The amount of income estimated that would be generated from the previous technical changes to Council Tax discounts empty properties and second homes (which was to be used to minimise the reduction in support for working age claimants) has proved to be accurate.

Since it is proposed that the cost of LCTS is offset by the changes to Council Tax Discounts, a "break-even" position is still envisaged, and the financial risk at this stage is assessed as "low".

However, should there be a future significant increase in claims for LCTS, over and above that already provided for, there will be no increase in Government grant to cover this, and the financial risk may increase.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Council Tax Reduction Scheme 2016/17

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations (S.I. 2012 No. 2885 as amended by S.I. 2012 No 3085, S.I. 2013 No 3181, S. I. 2014 No. 3312 and S.I. 2015 No. 2041)

The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No. 2886 as amended by S.I. 2012 No 3085)

DWP HB A13/2015 'Housing Benefit: Uprating 2016/17'

7 ATTACHMENTS

None.

COUNCIL

28th January 2016

Report of the Head of Resources

PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2016/17

SUMMARY

This report informs Members of the provisional Local Government Finance Settlement for 2016/17 together with its implications for the Council's finances.

RECOMMENDATION

1. That the provisional Local Government Finance Settlement for 2016/17 be noted.
2. That the response to the Consultation Paper, as given in Appendix 1, be noted.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The Local Government Finance Settlement has serious implications for the Council's finances, and therefore potentially has a negative impact on the Council's ability to deliver its Corporate Aims and Objectives.

1 BACKGROUND

- 1.1 The provisional Local Government Finance Settlement for 2016/17 was reported to Parliament on 17th December 2015.
- 1.2 The provisional settlement was accompanied by a consultation paper on the general nature of the basis of distribution of Revenue Support Grant, and of the general nature of the basis of calculation of 'tariff' and 'top up' payments. Responses were required by 15th January 2016. In view of the short timetable, a response has been submitted in consultation with the Leader and Deputy Leader of the Council. This is given in Appendix 1.
- 1.3 This report outlines the details of the national settlement, together with the local settlement for the District Council.

2 REPORT

- 2.1 The key points of the provisional settlement are:
 - **The provisional Settlement Funding Assessment (SFA) for Derbyshire Dales District Council has reduced by £603,000 (21%)** from £2.872m in 2015/16 to £2.269m in 2016/17; this is a larger reduction than had been included in the Council's Medium Term Financial Plan (10%).

- However, the Government's headlines focus on comparative figures concerning a local authority's "revenue spending power". The spending power for this Council has reduced by 3.7% for 2016/17. **It should be noted that the spending power figures assume that the council tax for shire districts will be increased by 2% in 2016/17.**
- All previous council tax freeze grants (for 2011/12, 2013/14, 2014/15 and 2015/16) will be maintained (they form part of the SFA) but **no council tax freeze scheme will be offered for 2016/17.**
- The main council tax referendum limits have been confirmed as 4% for upper tier authorities and 2% for others including Derbyshire Dales District Council.
- The Government continues to recognise the challenges faced by rural communities by making more money available in Rural Services Delivery Funding Grant for the most sparsely populated rural areas. Derbyshire Dales District Council's grant is set to increase by £22,288 (29%) to £99,057 for 2016/17.
- Funding for homelessness has received protection, though it forms part of the SFA.
- The methodology for New Homes Bonus allocations is unchanged for 2016/17. The Council is due to receive an additional £136,000 in New Homes Bonus in 2016/17 (not included in our medium term financial plan), taking our NHB grant from £871,000 in 2015/16 to £1,006,000 in 2016/17. Changes are proposed from 2017/18 onwards and the government has issued a consultation paper (see paragraph 2.3).
- The announcement was badged as a four year settlement, but it should be noted that anything after 2016/17 is only "indicative" and is only published to "assist" authorities with their planning. However, the Government has made an offer that "any council that wishes to take it up to a four-year funding settlement to 2019/20" can do so as long as it has an "efficiency plan". It is not clear what this efficiency plan will consist of or what happens to those authorities who don't sign up. It has been suggested that it would not be too onerous for local authorities; the Local Government Association has suggested that it could be based on a Council's Medium Term Financial Plan. Officers are currently considering whether the one-year offer or the four-year offer is better for Derbyshire Dales financially; the longer-term certainty of financial funding would assist us in service planning.
- Reserves are noted as being one possible part of an "efficiency plan".
- There may be some new burdens in the settlement; those identified so far relate to the Care Act and welfare responsibilities, so could impact on the housing benefits service.
- The provisional figures are expected to be confirmed in late January or early February 2016 within the final settlement announcement.

2.2 The key points in respect of business rates are:

- There are no changes to the current business rates retention scheme for 2016/17 and Derbyshire Dales District Council will remain in the Business Rates Pool for

Derbyshire Councils.

- The Settlement contains some information on the introduction of 100% business rates retention, which the Government has promised will be in place by the end of this parliament. It is clear that there will be some new responsibilities for local government as part of these arrangements. The Government plans to consult on the proposals in 2016. At this stage, it is not possible to assess the impact of the changes on Derbyshire Dales District Council.
- The Government made other announcements in the Autumn Statement including:
 - The extension of small business rate relief;
 - The termination of the retail discount on 31 March 2016;
 - The RPI increase for the business rates multipliers will be capped at 0.8% for 2016/17.

2.3 The consultation on "sharpening the incentive" for New Homes Bonus (NHB) has been launched here: <https://www.gov.uk/government/consultations/new-homes-bonus-sharpening-the-incentive-technical-consultation>

Although the government is not proposing changes to 2016/17 payments, they say that reductions in payments will be necessary in order to stay within the new funding envelope from 2017/18 onwards; it is stated that this will be combined with reforms to both sharpen its incentive effect and to free up resources for authorities with particular pressures, such as adult social care (which puts funding for shire district councils at risk).

The options floated to sharpen incentives include: withholding the Bonus from a Council that has not submitted its Local Plan (legacy payments from earlier years would not be affected); abating the Bonus depending on the date that the Local Plan was adopted (to encourage councils to update Local Plans); abating the Bonus in circumstances where planning permission for a new residential development has only been granted on appeal; and adjusting the Bonus to reflect estimates of deadweight (i.e. where the homes would have been built regardless of the NHB incentive).

The consultation also sets out proposals for reductions in the number of years for which the Bonus is paid from the current six years to four years. A further question asks for views on reducing payments to 2 or 3 years.

The consultation seeks views on the reform of NHB in order to better reflect local authorities' performance on housing growth. It also considers options for staying within the funding envelope in the event of a sudden surge in housing growth. It seeks views on whether the same adjustments as elsewhere should apply to areas covered by national parks.

Views are sought on whether protection should be considered for those who might face an adverse impact as a result of the proposals. The proposed cuts for 2017/18 onwards are much less than the £800m trailed. The Secretary of State said that NHB would be a permanent feature of the system.

The deadline for responses to the consultation is 10 March 2016.

3 THE DISTRICT COUNCIL'S SETTLEMENT

3.1 The Council's funding entitlement following the provisional Settlement is summarised as follows, including a comparison with 2015/16:-

	2015/16 £'000s	2016/17 £'000s	Change £'000s	
Revenue Support Grant	1,371	740		
Business Rates Baseline Funding Level	1,520	1,529		
Provisional Settlement Funding Assessment	2,891	2,269		
SFA Adjustment	-19	0		
Adjusted Settlement Funding Assessment	2,872	2,269	-603	-21%

3.2 The 2016/17 Settlement Funding Assessment of £2.269 million is a reduction of 21% over the 2015/16 level. This is significantly above the assumptions in the Council's Medium Term Financial Plan. The Medium Term Financial Plan will be updated as part of the report on the Council's Revenue Budget, which will be considered at the Council meeting on 3th March 2016.

3.3 As stated earlier in this report, the Government has made an offer that "any council that wishes to take it up to a four-year funding settlement to 2019/20" can do so as long as it has an "efficiency plan". The table below shows the government's offer to Derbyshire Dales District Council:

	2016-17	2017-18	2018-19	2019-20
Settlement Funding Assessment	2.27	1.81	1.61	1.66
of which:				
Revenue Support Grant	0.74	0.25	0.00	0.00
Baseline Funding Level	1.53	1.56	1.61	1.66
Tariff/Top-Up	-5.51	-5.61	-5.78	-5.96
Tariff/Top-Up adjustment	0.00	0.00	-0.04	-0.36
Safety Net Threshold	1.42	1.45	1.49	1.54
Levy Rate (p in £)	0.50	0.50	0.50	0.50

4 THE DISTRICT COUNCIL'S SPENDING POWER

4.1 In the Local Government Financial Settlement the Government announced a reduction in the Council's "revenue spending power", i.e. Council Tax plus Government Grants, of 3.7% for 2016-17. This is calculated as follows:

Source of Funding	2015/16 £'000s	2016/17 £'000s	Change
Settlement Funding Assessment	2,872	2,269	-21.0%
New Homes Bonus	871	1,006	+15.5%
Rural Services Delivery Grant	77	99	+ 29.0%
Council Tax	5,323	5,430	+2.0%
Total Revenue Spending Power	9,143	8,804	-3.7%

5 RESPONSE OF THE LOCAL GOVERNMENT ASSOCIATION

5.1 The LGA's key messages include:

- Giving councils the option of longer-term funding settlements is significant. This is an important step towards the financial certainty councils need to run high quality services.
- Taking into account the full range of ways councils can raise money the 2015 Spending Review announced a 'flat cash' settlement for councils over the next four years.
- However, there are still significant challenges ahead for councils who will have to make savings despite receiving a flat-cash settlement over the next four years. There are still significant challenges ahead for councils who will have to make savings sufficient enough to compensate for any additional cost pressures they face. These include those arising from general inflation, cost pressures in the care sector, increases in the number of adults and children needing support and rising levels of need, increases in demand for everyday services as the population grows and pressure on homelessness budgets and increases in core costs such as national insurance, the National Living Wage and pension contributions.

6 RESPONSE OF SPARSE RURAL / RURAL SERVICES NETWORK

6.1 The Rural Services Network and SPARSE recommends that Rural Authorities respond to the consultation about the 2016/17 Provisional Settlement. It has provided a draft template to assist authorities, which was considered when drafting the Council's response shown in Appendix 1.

7 RISK ASSESSMENT

7.1 Legal

There are no legal risks arising from this report.

7.2 Financial

As stated in the body of the report, the 2016/17 financial settlement is significantly less than awarded in previous years and anticipated in the Medium Term Financial Plan. However, this has been partly offset by additional New Homes Bonus and additional Rural Services Delivery Grant. The Council has also seen an increase in its income from Business Rates. The announcement shows that further significant cuts are due from 2017/18. However, the government are due to consult on 100% local retention of business rates, which should provide additional funding when it is introduced. The Medium Term Financial Plan will be updated to reflect these and other issues and will be presented to Members for consideration at the Council's budget meeting on 3rd March, 2016.

The business rate element of formula funding is dependent of the Council achieving the estimated business rate yield.

The financial risk is assessed as "high".

7.3 Corporate Risk

The financial risk as described above may have significant implications for the Council's ability to deliver its priorities, and to provide services at the current levels. The corporate risk is, therefore, high.

8 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

9 CONTACT INFORMATION

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10 BACKGROUND PAPERS

Date	Description
17 th December 2015	Email from DCLG "Local Government Finance Settlement 2016/17"
17 th December 2015	Local Government Association Briefing "Provisional Local Government Finance Settlement 2016-17 and an offer to councils for future years"
5 th January 2016	Email from SPARSE Rural and the Rural Services Network "Our response to the 2016/17 Local Government Provisional Settlement"

11 ATTACHMENTS

Appendix 1 Response to Local Government Finance Settlement Consultation Paper

The District Council's Response to the Consultation Paper



Shafi Khan
DCLG
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London
SW1P 4DF

Please ask for:
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By email to:
LGFConsultation@communities.gsi.gov.uk

15th January 2016

Dear Mr. Khan,

PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT FOR 2016-17

I refer to the Consultation Paper in respect of the provisional Local Government Finance Settlement 2016-17 and the offer to councils for future years.

This response represents the views of Derbyshire Dales District Council.

Derbyshire Dales District Council is a member of SPARSE Rural and, without wishing to repeat all the points made by SPARSE, the District Council fully endorses their submission in response to the Consultation Paper.

In respect of the questions raised in the Consultation Paper, the District Council wishes to comment as follows:

Question 1: Do you agree with the methodology for allocating central funding in 2016-17, as set out in paragraphs 2.6 to 2.8?

We support the representations being made by SPARSE-Rural, namely that:-

We object in the strongest possible terms to the proposed shift in Government Funded Spending Power (Core Spending Power less Council Tax - which we consider to be the correct comparator as Council Tax is, on average, higher in rural areas than urban due to the historic underfunding of rural areas) away from Shire Counties to Metropolitan areas which an examination of the data in the Consultation so clearly shows (see graph at Appendix 1).

Metropolitan Authorities (Non-Fire) face 19.3% cuts (2015/16 compared to 2019/20 in comparison to Shire Counties (non-Fire) of 34.4% and Predominantly Rural (PR) Unitaries (non-Fire) of 30.6%.

The graph also shows Metropolitan Fire and Rescue Services facing cuts of just over 15% (2015/16 compared to 2019/20) compared to Predominantly Rural Services facing cuts circa 23%.

Continued...

15th January 2016. Mr. Shafi Khan, DCLG.

The fact that these cuts are “front-end loaded” against Shire areas [SEE TABLES A & B BELOW] in favour of Metropolitan areas compound the felony.

TABLE A – Reductions in Government funded spending power per head of population: non Fire Authorities

AUTHORITY TYPE	15/16-16/17 (%)	16/17-17/18 (%)	17/18-18/19 (%)	18/19-19/20 (%)	15/16-19/20 (%)
LONDON	-9.2	-8.1	-5.2	-2.5	-22.8
METS	-9.8	-7.6	-2.2	-1.0	-19.3
PR UNITARY NO FIRE	-12.6	-11.4	-7.3	-3.2	-30.6
SHIRE CTY NO FIRE	-17.3	-15.0	-4.5	-2.3	-34.4

TABLE B — Reductions in Government funded Spending Power per head of population: Fire Authorities

LOCAL AUTH. WITH FIRE	15/16-16/17 (%)	16/17-17/18 (%)	17/18-18/19 (%)	18/19-19/20 (%)	15/16-19/20 (%)
METS	-5.6	-7.2	-3.3	-1.4	-16.5
PR SHIRE CTY	-13.7	-11.1	-2.2	-0.9	-25.7
PR UNITARY	-11.3	-10.3	-5.3	-2.0	-26.2
FIRE AUTH.					
URBAN	-7.6	-10.0	-4.7	-2.0	-22.3
PR	-8.2	-10.6	-4.8	-1.8	-23.3

As we said earlier, Council Tax is, on average, already significantly higher per head of population in rural areas compared to urban due to historic underfunding of rural services by successive governments. This point is also relevant to the permitted 2% increase in Council Tax ring fenced to Adult Social Care.

Until residents of Urban areas are paying broadly the same level of Council Tax as Rural residents there can be no justification in even considering shifting government funding from Shire areas to Metropolitan and other Urban areas – and even then any such move needs to be transparently rationalised.

Question 2: Do you agree with the proposed methodology for calculation of the council tax requirement for 2016-17, as set out in paragraphs 2.10 and 2.11?

Yes, this appears to offer a reasonable approach.

Question 3: Do you agree with the proposed methodology in paragraph 2.12 for splitting the council tax requirement between sets of services?

Yes, this appears to offer a reasonable approach. It recognises the different responsibilities of different sets of councils.

Continued.....

Page 3.

15th January 2016. Mr. Shafi Khan, DCLG.

Question 4 Do you wish to propose any transitional measures to be used?

No.

Question 5: Do you agree with the Government's proposal to fund the New Homes Bonus in 2016 – 17 with £1.275 billion of funding held back from the settlement on the basis of the methodology described in paragraph 2.15?

We support the representations being made by SPARSE-Rural, namely that:-

We strongly object to the principle of New Homes Bonus being reduced so significantly to support increased government funding into Adult Social Care.

Of course, we recognise the importance of additional funding for Adult Social Care but consider that, like the NHS, this is a national issue which should be funded by new government monies to meet the needs of an ageing population.

The impact on small (mainly rural) District/Borough Councils in particular is very worrying indeed. Like many other such authorities, Derbyshire Dales District Council has found it necessary to apply New Homes Bonus to support mainstream services – we regard this protection of services (as opposed to their reduction or complete withdrawal), as a quite proper way to recompense local communities for accepting new housing. A loss of New Homes Bonus on the scale proposed will be devastating on some services in some areas. It will also destroy the community's willingness to support new house building and will work against the government's house building targets being achieved.

Question 6: Do you agree with the Government's proposal to hold back £50 million to fund the business rates safety net in 2016-17, on the basis of the methodology described in paragraph 2.19?

Yes, we consider this to be a sensible suggestion.

Question 7: Do you agree with the Government's proposed approach in paragraph 2.24 to paying £20 million additional funding to the most rural areas in 2016 – 17, distributed to the upper quartile of local authorities based on the super-sparsity indicator?

We support the representations being made by SPARSE-Rural, namely that:-

Naturally we agree with the need for additional funding to support Rural areas and we are grateful to Ministers for having listened to and accepted our evidence and arguments in that regard.

Equally naturally, we are extremely disappointed that the extra £50M (by 2019/20) over and above the £15.5M paid in 2015/16 is "back-end loaded".

The Question implies there is £20M extra funding in 2016/17 when, in fact, there is just a £4.5M increase to £20M compared to 2015/16.

Continued...

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15th January 2016. Mr. Shafi Khan, DCLG.

We also challenge the perceived impression given by the Secretary of State's Statement "by which time (2019/20), when 100% business rate retention has been achieved, we can consider what further correction is due", that this may be sufficient. It is not.

The additional weightings for sparsity introduced into the formula in 2013/14 (following the Summer 2012 DCLG Consultation) created a much larger list of 163 (including 18 Fire & Rescue Services) beneficiaries than the 94 (including 5 Fire & Rescue Services) upper quartile of authorities based on the super sparsity indicator. It recognised that sparsity costs apply across the spectrum of rural areas and do not suddenly manifest themselves at the boundary of super sparse areas.

We believe strongly that this anomaly needs to be addressed before the 100% Business Rates Retention comes in and firmly incorporated into the new Needs Assessment for the scheme along with the current RSDG proposals from 2019/20.

The Consultation Document shows that 77.5% of the additional funding is in respect of Adult Social Care. This means that £14.74M (of the 2019/20 £65.5M) is for all other local government services across all tiers of Principal Councils. – this is woefully inadequate and is unlikely to even cover the sparsity costs associated with refuse collection/recycling.

Question 8: Do you agree with the Government's proposal that local welfare provision funding of £129.6 million and other funding elements should be identified within core spending power in 2016-17, as described in paragraph 2.28?

No specific views.

Question 9: Do you agree with the Government's proposal to include all of the grant funding for the Care Act 2014 (apart from that funded through the Better Care Fund) in the settlement, using the methodology set out in paragraph 3.2?

No specific views.

Question 10: Do you agree with the Government's proposal to include all 2015-16 Council Tax Freeze Grant in the 2016-17 settlement, using the methodology set out in paragraph 3.3?

Yes, this will provide certainty for councils that the extra funding for having frozen council tax will continue to be available.

Question 11: Do you agree with the Government's proposal to include all 2015-16 Efficiency Support Grant funding in the settlement and with the methodology set out in paragraph 3.5?

No specific views.

Continued...

Page 5.

15th January 2016. Mr. Shafi Khan, DCLG.

Question 12: Do you agree with the Government's proposal to include funding for lead local flood authorities in the 2016-17 settlement, as described in paragraphs 3.6 and 3.7?

Yes, we consider this to be a sensible suggestion.

Question 13: Do you agree with the Government's proposal to pay a separate section 31 grant to lead local flood authorities to ensure funding for these activities increases in real terms in each year of the Parliament?

Yes, we consider this to be a sensible suggestion.

Question 14: Do you have any views on whether the grant for lead local flood es described in paragraph 3.8 should be ringfenced for the Spending Review period?

No specific views.

Question 15: Do you agree with the Government's proposal to adjust councils' tariffs / top ups where required to ensure that councils delivering the same set of services receive the same percentage change in settlement core funding for those sets of services?

Yes, we consider this to be a sensible suggestion as the proposal seeks to treat councils providing similar sets of services in a similar manner. However, this could be seen to "favour" one set of councils to the detriment of others.

Question 16: Do you have an alternative suggestion for how to secure the required overall level of spending reductions to settlement core funding over the Parliament?

No.

Question 17: Do you have any comments on the impact of the 2016-17 settlement on persons who share a protected characteristic, and on the draft equality statement published alongside this consultation?

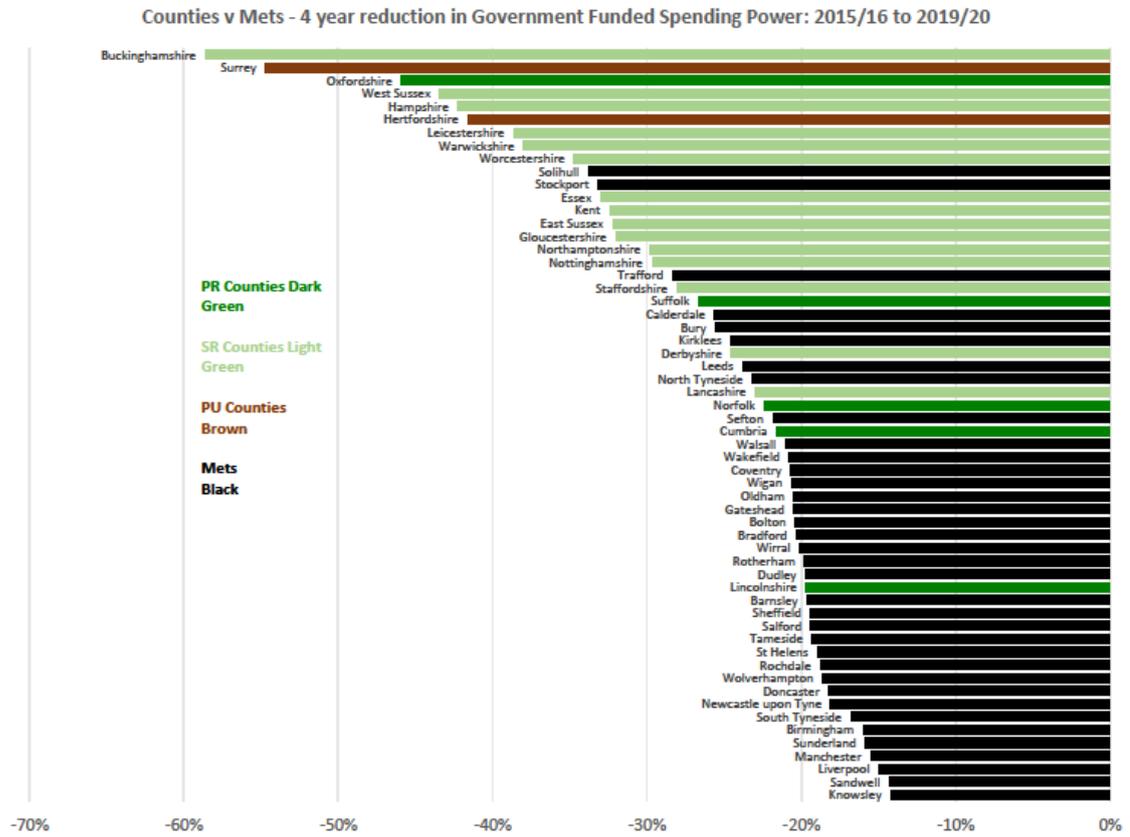
No comments.

Yours sincerely,



Dorcas Bunton
Chief Executive

Counties v Mets – 4 year reduction in Government Funded Spending Power: 2015/16 to 2019/20



Report of the Head of Regulatory Services

TRANSFORMING DERBYSHIRE BUILDING CONTROL

SUMMARY

This report updates Members on the development of the proposed alternative service delivery model for Building Control.

RECOMMENDATION

1. That the District Council agrees in principle to entering into an arrangement with other Derbyshire Authorities for the delivery of all Building Control services as a transfer of undertakings.
2. That delegated authority be given to the Chief Executive, in consultation with the Head of Resources (acting as the section 151 Officer), the Leader and Deputy leader of the Council, and the Chairman and Vice-Chairman of the Governance Committee to agree service level agreements and contract terms and conditions.
3. That the 6 posts on the staff establishment to provide the Building Control services are transferred to the new provider and the post holders' current terms and conditions of employment are protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended in 2014 (TUPE).

WARDS AFFECTED

All wards.

STRATEGIC LINK

An effective Building Control service helps to support the provision of housing, including affordable housing. It also helps to ensure that the communities of the Derbyshire Dales are safe.

1 BACKGROUND

- 1.1 At the Council meeting on 23 April 2015 Members considered a report outlining a proposal to transform Building Control services within Derbyshire by looking to move to a service delivery model where Building Control Authorities merged to form a single 'public sector company'.
- 1.2 At that meeting it was agreed that support should be given to that service delivery model and funding was approved to enable the project to move forwards.
- 1.3 It is now appropriate to report on progress and to make recommendations as to the steps to be taken in future.

2 REPORT

- 2.1 Since the last report officers have continued to play an active role in the development of the proposals, facilitated by the selected consultants Blue Marble Partners Ltd. Work has continued using the assumption of the preferred service delivery model and has concentrated on the detail of issues such as staffing structures, marketing, ICT and Human Resources matters.
- 2.2 At the time of the previous report all Derbyshire authorities were supporting this approach with the exception of Erewash Borough Council. However, since that time both South Derbyshire District Council and High Peak Borough Council have withdrawn from the partnership. Consequently the core group now comprises, Amber Valley Borough Council, Bolsover District Council, Chesterfield Borough Council, Derby City Council, Derbyshire Dales District Council and North East Derbyshire District Council. Despite the withdrawals the project is still considered to be viable and to potentially offer significant benefits to Derbyshire Dales District Council.
- 2.3 Representatives of the District Council's Finance, Legal and Human Resources services have met with the project sponsor (Chesterfield Borough Council) and Blue Marble Partners Ltd to consider the more detailed proposals now available. However, it is clear that there are many issues to progress before the proposed implementation date of 2 April 2016. Whilst Legal are satisfied with the proposed process for developing a contract and service level agreement between the parties the detail within those documents still remains to be agreed. Equally the District Council will need to be completely satisfied that the proposal offers real financial benefit before agreeing to the transfer of the service.
- 2.4 As this is a proposal to transfer an undertaking, the 6 staff posts currently on the establishment to provide the Building Control services will be transferred to the new provider and the post holders' current terms and conditions of employment are protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended in 2014 (TUPE). The staff posts are the Senior Building Control Surveyor, the Building Control Surveyor (post currently vacant), the Building Control Inspector, the Building Control/Estates Apprentice and 2 Business Support Assistants. The staff have been consulted on this report and the proposals and their rights under the TUPE regulations. Given the pension requirements under TUPE, the new company is to approach Derbyshire County Council as the Derbyshire Local Government Pension Scheme Administrators with regard to application for 'Admitted Body Status'. The staffing issues of the proposed transfer will be managed in line with the District Council's Change Management Policy
- 2.5 In order that all these steps can be taken in a timely manner it is considered necessary to request Council to delegate authority to progress them to officer level. Because of the importance of these issues it is, however, recommended that this authority is delegated to the Chief Executive in consultation with the Leader and Deputy Leader of the Council, and the Chair and Vice Chair of the Governance Committee.

3 RISK ASSESSMENT

Legal

- 3.1 The parties are seeking to create a limited liability company responsible for the operation of building control services. Section 111 of the Local Government Act 1972

permits the Council to form this type of company.

- 3.2 It is intended that each of the Authorities will be shareholders of the Company subscribing for shares in an equal proportion. An agreement will be drafted which will incorporate the key provisions. These key provisions will include the role of the company, confirmation as to the aims and objectives of the organisation, operational issues and delegation.
- 3.3 It is not intended that the Company will register as an “Approved Inspector”. Accordingly the drafted agreement will deal with issues in terms of delegation under section 101 of the Local Government Act 1972 to formally issue certificates and other powers. Each Authority as a member of the Company, will be able to take part in General Meetings and have the right to convene Extraordinary General Meetings.
- 3.4 Each Authority will contribute and agreed a quarterly budget sum in advance which will be intended to deal with specified services to be provided by the Company to the respective Authorities. The procedure for this will be detailed in a Service Agreement to be entered into between each Authority and the Company.
- 3.5 The management and operation of the company will be detailed in a Shareholders Agreement. It is anticipated that a Customer Advisory Group (“CAG”) will sit below the board of directors. Each Authority shall have the right to nominate a Director of the Company.
- 3.6 The CAG will consist of representatives of the Authorities, and representatives of other institutions and stakeholders associated with the provision of the services. The CAG will review the performance of the Company and suggest improvements to the Services to the Board. The Board of Directors will include the Chief Executive Officer, the Chief Operating Officer of the Company and approved non-executive Directors who will be appointed externally.
- 3.7 The Shareholders Agreement will contain a detailed procedure and timetable for the production, submission and audit of annual accounts and calculation of profits and distribution.
- 3.8 The legal risk is assessed as low.

Financial

- 3.9 At the time of writing this report it has not been possible to determine the financial implications of this proposal. The following areas are unclear:
 - Pension liabilities
 - Subsidy payable to the new business
 - Receipts from profit sharing agreement
 - Residual support services costs
- 3.10 This means that the District Council is not yet able to be completely satisfied that the proposal offers real financial benefits. For this reason the financial risk is currently assessed as high.
- 3.11 However, the recommendations of this report ensure that the Head of Resources is

one of the consultees involved in the service level agreement and contract terms and conditions. The financial position and risk will be reconsidered as part of that process.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Tim Braund, Head of Regulatory Services, Tel: 01629 761118,
Email: tim.braund@derbyshiredales.gov.uk

Report of the Head of Regulatory Services

HEALTH AND WELLBEING STRATEGY

SUMMARY

This report details the consultation actions undertaken following the reporting of a draft Health and Wellbeing Strategy to the Community and Environment Committee on 10 September 2015 and presents a final draft Strategy for adoption.

RECOMMENDATION

That the Health and Wellbeing Strategy attached as Appendix 1 to this report be adopted.

WARDS AFFECTED

All

STRATEGIC LINK

The District Council's role in promoting health and wellbeing impacts upon the vision of a Peak District with people of all ages who are healthy and safe.

1 BACKGROUND

- 1.1 Health and wellbeing is a term used to describe the overall health of people. It is a broad concept not limited to whether or not a person is ill and looks at complete physical, mental and social wellbeing.
- 1.2 Local authorities have a long history of working to improve the health and wellbeing of their populations, dating back to Victorian times and the creation of the first Public Health legislation. Originally this involved the improvement of housing, drainage, water supplies and so on. With the evolution of the National Health Service local authorities' roles in health and wellbeing changed and the specific role to promote the health of the general population transferred through various NHS related bodies.
- 1.3 This changed in April 2012 with the transfer of the Public Health function from the previous Primary Care Trusts back to local government. In two-tier local authority areas this transfer was to county councils and at that time Derbyshire County Council formed their statutory Health and Wellbeing Board.
- 1.4 One of the Health and Wellbeing Board's first tasks was to produce and adopt a Health and Wellbeing Strategy for the Derbyshire county area. Second tier authorities were consulted on the contents of the Strategy and the final document was formally published in October 2012.
- 1.5 In September 2015 Derbyshire County Council started consultation on a refreshed countywide Health and Wellbeing Strategy. This revised Strategy contained 4 new priorities: Keeping People Healthy and Independent in their Own Homes; Building

Social Capital; Creating Healthy Communities; and Supporting the Emotional Health and Wellbeing of Children and Young People. Of these the priority of Creating Healthy Communities particularly recognises the role that district and borough councils can play in developing health and wellbeing for their communities.

- 1.6 A draft Health and Wellbeing Strategy for Derbyshire Dales District Council was presented to the Community and Environment Committee on 10 September 2015 and was agreed for public consultation. The consultation has now been completed and this report details the responses that were received and the amendments that have been made to take account of them.

2 REPORT

- 2.1 Following the report to Community and Environment Committee in September 2015 the draft Derbyshire Dales Health and Wellbeing Strategy went out to public consultation for a period of 6 weeks. The consultation was undertaken via a mixture of direct contact with key partners and stakeholders, and a web-based questionnaire for the general public.
- 2.2 Comments were received from a total of 19 responders. The table below summarises each of the responses and the action that has been taken as a result.

Responder	Comment	Action
Director of Public Health	Would like DDDC Strategy aligned to refreshed Derbyshire Health & Wellbeing Strategy	Refreshed Derbyshire Strategy referenced in amended DDDC Strategy
Director of Public Health	Include commitment to Healthy Communities	Included in reference to Derbyshire Strategy
Director of Public Health	Suggest community and voluntary sector included as vehicles to improve general health	Added to section on Local Priorities
Director of Public Health	More emphasis on fuel poverty	Included in section on Local Priorities
Director of Public Health	Add mental health as an emerging issue	Included in Emerging Issues
Director of Public Health	Recommend greater role for CVS in Community Development Action Plans	To be considered in developing on-going Action Plans
Derbyshire Dales Council for Voluntary Service	More emphasis on the role of the voluntary sector	Added to section on Local Priorities
Derbyshire Dales Council for Voluntary Service	Key issue would be to improve access to services for rural areas	To be considered in developing on-going Action Plans

Public	Greater emphasis on mental health issues (x4)	Included as emerging issue
Public	More emphasis on healthy eating (x3)	Included in Regulatory Services Action Plan – Heart of Derbyshire scheme
Public	More emphasis on childhood obesity (x1)	Included in both Community Development and Regulatory Services Action Plans
Public	More emphasis on rural transportation (x3)	Mainly a DCC issue but to be considered as per access to services
Public	More emphasis on air pollution (x1)	Air quality good locally
Public	Support for local facilities, specifically Hathersage Pool (x2)	Considered elsewhere by DDDC
Public	Join up services with other providers (x2)	Subject to on-going work outside of Strategy
Public	Car parking strategy to encourage walking (x1)	To be considered in developing on-going Action Plans
Public	Clarify abbreviations (x1)	Abbreviations removed
Public	Agrees with Strategy (x1)	No action required
Public	Disagrees with Strategy but makes no suggestions (x2)	No action taken

2.3 One of the stand-out issues raised by the consultation was a greater emphasis on mental health issues and promoting emotional wellbeing. This issue was also raised at the Council meeting held on 19 November 2015 through a Member's question that asked whether the District Council would sign up to the Mental Health Challenge, a campaign run by the Centre for Mental Health. At the time a reply was given which stated that officers would be asked to liaise with Derbyshire County Council's Public Health Team in order to better understand the value of the Mental Health Challenge. At the present time Derbyshire County Council has not signed up but is very interested in working with the District Council on the issue. It is clear that mental health and emotional wellbeing is an issue increasing in importance and as such it has been included in the amended Strategy as an issue to be investigated in 2016/17.

2.4 It is also worth noting several comments from key partners regarding the role of

communities and the voluntary sector. This is an area of work that is still in development both in relation to health and wellbeing, and other aspects of the District Council's work. Whilst some general comments regarding the importance of these sectors have been added to the Strategy it is intended that over the coming years the Community Development Action Plans will be further developed to reflect this area of work.

- 2.5 Where appropriate other comments received have been incorporated into the amended Strategy and officers now consider that the Final Draft version is ready for adoption.

3 RISK ASSESSMENT

Legal

- 3.1 The report takes a holistic approach to wellbeing and the co-ordination of activities with strategic partners. The legal risk is low.

Financial

- 3.2 The initiatives outlined in the Action Plans can be financed from existing budgets. The financial risk is therefore assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1: Proposed Health and Wellbeing Strategy 2015 - 2017

DERBYSHIRE DALES DISTRICT COUNCIL

HEALTH AND WELLBEING STRATEGY

2015 - 2017

Introduction - What is Health and Wellbeing?

Health and wellbeing is a term used to describe a broad concept. It is not limited to whether or not a person is ill but instead focuses on how healthy they are. In this context health is defined as a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity (World Health Organisation, 1946).

The actions of many bodies and agencies can impact on the general wellbeing of the population. The factors which can influence wellbeing are often referred to as the wider determinants of health and include issues such as socioeconomic, cultural and environmental factors. It is possible for local authorities to have a positive influence on these factors through their work, as some of the issues that they address through their day-to-day work impact on the wider determinants, such as housing, the work environment, sanitation, water supply, wealth, access to exercise and so on. The purpose of this Strategy is to identify the areas where Derbyshire Dales District Council can have this positive influence, highlight any gaps in our provision and specify actions to fill the gaps.

The Public Health Setting Within Derbyshire

Derbyshire Dales District Council is a second-tier local authority set within the county of Derbyshire. As such the most recent re-organisation of the National Health Service relocated the Public Health service that had previously been incorporated in the Primary Care Trust into Derbyshire County Council. This service is now headed by a Director of Public Health and reports through the democratically accountable body of the Health and Wellbeing Board. The Health and Wellbeing Board adopted an initial countywide Health and Wellbeing Strategy that set out the following priorities:

- Improve health and wellbeing in early years;
- Promote healthy lifestyles;
- Improve emotional and mental health;
- Promote the independence of people living with long term conditions and their carers;
- Improve health and wellbeing of older people.

These priorities were refreshed in 2015 and a draft revised countywide Strategy has been produced for consideration by Chief Executives. The priorities listed in the amended Strategy are:

- Keep people healthy and independent in their own home;
- Build social capital;
- Create healthy communities;
- Support the emotional health and wellbeing of children and young people.

In addition to the Health and Wellbeing Strategy, which is owned by the Health and Wellbeing Board, the Director of Public Health (DPH) for Derbyshire publishes an annual report. These reports set out what the DPH believes are the issues that could improve or harm public health at the time of publication and in the near future and make recommendations as to how the health and wellbeing of the people of Derbyshire can be maximised. The 4 areas addressed in the 2014 Annual Report are:

- Improving financial inclusion;
- Reducing child poverty;
- The importance of the economy and work;
- Reducing the impact of cold weather.

The 2015 Annual Report took on a different format and concentrated on the '5 ways to wellbeing'. The Report has been produced as a public facing leaflet and is intended to promote positive mental health and wellbeing as contributors to good physical health and the best quality of life.

Derbyshire Dales District Council's Strategy outlines the local level influence that we intend to have on delivering against the priorities contained in both the countywide Health and Wellbeing Strategy and the Director of Public Health's Annual Report. As the countywide priorities evolve over time it is intended that this Strategy will also evolve to reflect any changes.

Local Priorities

Taking into account the approaches outlined in both the original and the refreshed Derbyshire Health and Wellbeing Strategies, Derbyshire Dales District Council also has general priorities to help steer the ways in which we wish to develop and offer our services. Our broad objectives are:

- To improve the general health of all our population;
- To reduce health inequalities across the District.

The first of these objectives is largely addressed through our general leisure provision, particularly at our 4 leisure centres in Ashbourne, Bakewell, Matlock and Wirksworth and is effectively part of the core service offered by the District Council. The main purpose of this Strategy is to focus some of our other, less obviously dedicated resources to addressing our broad objectives.

We know that we cannot do this in isolation and a key area to consider will be how we can increase our general offer to the whole population. Community Development is an important area of work for us and we will be looking at how we can work with the voluntary sector and with communities themselves to improve access to wellbeing services.

To help us in developing this focus we have set 3 specific priorities for the work to be covered during the period of this Strategy:

1. To improve wellbeing in areas of disadvantage;
2. To improve the wellbeing of vulnerable groups;
3. To tackle wellbeing challenges associated with rurality.

In developing this Strategy we have also considered a number of sources of local health intelligence, including the Health Profile for Derbyshire Dales produced by Public Health England and Summary Profile for Derbyshire Dales District produced by Derbyshire County Council. These documents are produced annually and consequently this Strategy will be reviewed each year to ensure that it is in tune with the most recent intelligence. Key facts taken from these documents for 2014 include:

- Life expectancy gap for men = 5.0 years
- Life expectancy gap for women = 4.6 years

These figures show that the most deprived people in Derbyshire Dales can expect to die approximately 5 years before the least deprived.

- Smoking prevalence amongst mothers at the time of delivery is significantly worse than the England average
- Incidence of malignant melanoma is worse than the England average
- Deaths and serious injuries on the roads is significantly worse than the England average

These notes show the areas in the standard suite of indicators for which Derbyshire Dales shows a worse than average out-turn as compared to the rest of England.

Although it is not included in the suite of indicators included in the Health Profiles it is also worth noting that Derbyshire Dales compares very badly to the national average in respect of the proportion of households residing in fuel poverty – a factor due to a combination of an aging housing stock, lack of access to gas in certain areas, and low incomes.

Directly addressing some of these issues is outside the scope of the services offered by the District Council, but it is appropriate to have regard to this intelligence in designing future interventions.

Derbyshire Dales District Council's Actions

Derbyshire Dales District Council is not an agency whose functions are specifically aimed at improving health. However, many of the services that we are responsible for delivering or commissioning have the potential to help with this aim. Our role is to ensure that those

services contribute towards improvements in public health whilst still meeting their core objectives.

A number of key areas have been identified by various services within Derbyshire Dales District Council for 2015-16. These are:

Community Development

- Focus development work on areas of deprivation and rural communities
- Better understanding and use of data to inform service delivery
- Reduce the number of inactive people living in the Derbyshire Dales
- Encourage strong, resilient communities via positive community engagement

Economic Development

- More higher paid jobs in local businesses
- Develop a higher value visitor economy in the Derbyshire Dales
- Better rural broadband to benefit residents and business thereby enabling better quality jobs

Housing

- Using resources effectively to deliver health outcomes
- Joining up services to increase benefit
- Increasing the number of lifetime homes
- Preventing homelessness
- Increasing income and helping households to manage debt

Regulatory Services

- Reducing the number of households in fuel poverty
- Improving the standard of private housing, including adaptations for disabled people
- Improving access to healthier food choices
- Help to promote the Healthy Workplaces project
- Preventing exposure to tobacco smoke
- Helping to regulate irresponsible alcohol consumption

In order to deliver against these priorities each of the services has contributed to a series of action plans for 2015-16.

Partnership Working

As previously stated Derbyshire Dales District Council is a second tier local authority in a shire county area. The statutory responsibilities of the District Council can be fairly narrow and the resources available to the authority can be relatively small. In order to be effective it is necessary for us to work collaboratively with a wide range of partners. Some of these partnerships are well established, such as those with Derbyshire County Public Health and others still require development.

Work is now progressing at a locality level with Public Health providing a co-ordinating role and the long established Peak District Partnership Health and Wellbeing Sub-Group provides an excellent melting pot for a wide range of organisations. However, it is expected that further work will need to be undertaken at the local level to create and develop specific partnerships to help to deliver the District Council's priorities. These principles are becoming embedded within the roles of District Council officers and form a key part of the role of our Community Development service.

Emerging Issues

The principle upon which this Strategy is intended to work is to set out the general ways in which the District Council operates in order to impact positively on health and wellbeing and then to set out action plans for the year ahead. These action plans are intended to be reviewed and refreshed annually. However, it is also considered appropriate to identify emerging priorities to help shape the potential future work of the District Council. Those emerging issues that have been identified in 2015/16 are:

- Poverty, especially child poverty;
- Isolation, especially rural isolation;
- Aging;
- Winter wellbeing;
- Promoting positive mental health and emotional wellbeing.

ACTION PLANS FOR 2015-16

Community Development

Objective	Tasks and Outcomes	Lead	Timescale
Work in areas of deprivation and rural communities	<p>Deliver the Derbyshire Dales Village Games programme in rural communities</p> <p>Deliver the Active Everyone programme in priority areas</p> <p>Deliver the Walking for Health programme</p> <p>Deliver the Go Cycling Programme</p> <p>Deliver the Clubs First Programme</p>	Leisure	<p>March 2016</p> <p>March 2016</p> <p>March 2016</p> <p>March 2016</p> <p>March 2016</p>
Better understanding and use of data to connect services	<p>Implement the Gladstone member management system across Leisure Centres and Sports Development</p> <p>Use data such as Derbyshire Quilt, Active People Survey to enhance service delivery and target priority groups</p>	Leisure	March 2016
Reduce the number of inactive people living in the Derbyshire Dales	<p>Increase attendances at leisure centres through a range of appropriate programmes.</p> <p>Deliver a range of community based Sports Development programmes to target areas of highest inactivity, underrepresented groups and workplaces</p>	Leisure	<p>March 2016</p> <p>March 2016</p>
Community Engagement	<p>Create an effective community engagement hub which connects work across the District Council, partners and communities</p> <p>Support ongoing work with locality partners on community resilience</p>	Community Engagement	March 2016

Economic Development

Objective	Tasks and Outcomes	Lead	Timescale
More higher paid jobs in local businesses	Provide support to 100 established businesses in the Derbyshire Dales by March 2016, enabling the creation of local jobs	Giles Dann	March 2016
Develop a higher value visitor economy in the Derbyshire Dales	Support the delivery of the annual Eroica Britannia Vintage Cycle Race and promote the route as a year round visitor attraction for the Dales	Giles Dann	March 2018
Better rural broadband	Work with partners via Enterprise Peak District to identify gaps in broadband provision and seek solutions	Giles Dann	March 2018

Housing

Objective	Tasks and Outcomes	Lead	Timescale
Effective use of resources	Implement the findings of the Housing Review specifically to re-commission support services for the start of 2016/17	Rob Cogings	March 2016
Joining up services	Enhance the links between complimentary services commissioned by the Community Housing Team	Rob Cogings	Ongoing
Increasing the number of lifetime homes	Including bungalows to LTH standard on all new affordable housing sites and private developments which have an affordable housing contribution	Isabel Frenzel	Ongoing
Preventing homelessness	Funding a range of services to prevent 850 homelessness acceptances in 2015/16	Simon Beynon	March 2016
Improving financial inclusion	Providing financial support to Erewash Credit Union, £60,000 in 2015/16	Rob Cogings	July 2015

Regulatory Services

Objective	Tasks and Outcomes	Lead	Timescale
Reducing fuel poverty	Promote the Healthy Home project with GP pilot surgeries	Tim Braund	March 2016
	Work with CCG to increase the number of GP surgeries engaged	Tim Braund	March 2016
Improving private sector housing	Reduce processing times for DFGs	Environmental Health	March 2016
Improving access to healthier food choices	Increase number of businesses engaged with Heart of Derbyshire	Environmental Health	March 2016
	Increase number of pledges made by each business in Heart of Derbyshire	Environmental Health	March 2016
Help promote the Healthy Workplaces project	Ensure District Council engages with the project as an employer	Tim Braund	Sept 2015
	Promote the project to business throughout the district	Environmental Health	March 2016
Preventing exposure to tobacco smoke	Prepare for introduction of smoke free car legislation	Environmental Health	Oct 2015
	Work with taxi trade to improve smoke free compliance	Licensing	March 2016
Regulating irresponsible alcohol consumption	Undertake 'Safe and Responsible' compliance visits to at least 10 premises	Licensing	March 2016

COUNCIL
28 JANUARY 2016

Report of the Head of Regulatory Services

REVIEW OF THE COUNCIL'S GAMBLING STATEMENT OF PRINCIPLES (POLICY) MADE UNDER THE GAMBLING ACT 2005

SUMMARY

The report informs the Council of the requirement for it to carry out a formal review of its current Gambling Statement of Principles (Policy), and seeks approval to adopt and re-publish the revised version produced in Appendix 1, by 31 January 2016.

RECOMMENDATION

That the revised Gambling Statement of Principles be approved for adoption and re-published to take effect from 31 January 2016 to January 2019.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1 BACKGROUND

- 1.1. Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles which sets out how gambling is to be managed across the local authority area taking account of local issues, priorities and risks that underpin its approach to regulation.
- 1.2. The Policy provides the opportunity for licensing authorities to agree and set out how gambling is to be managed in different parts of its area, and to provide clarity of expectation for licence holders and prospective licence holders about how their businesses are likely to be treated depending on where they are located.
- 1.3. A clear statement of policy will provide greater scope for licensing authorities to work in partnership with local businesses, communities and responsible authorities to identify and mitigate local risks to the licensing objectives.
- 1.4. The Policy must be reviewed and approved by the full Council at least once every 3 years.
- 1.5. The revised Policy document focuses on the authority's approach to its responsibilities under the Act, but does not include procedures for needing a licence or making applications or holding committee hearings; these matters are covered by separate guidance and procedural documents which are regularly updated.

- 1.6. The District Council's existing policy was first approved in December 2006 and took effect from 31 January 2007. It was reviewed in 2010 and 2013.
- 1.7. Before the original policy could be determined a consultation exercise with statutory organisations and bodies, the trade/industry and the general public had to be undertaken. Section 349 of the Gambling Act 2005 specifies that consultees should include:
- the chief officer of police for the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's areas; and
 - 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 Act.
- 1.8 Since the policy was first adopted and published it has been kept under review by officers. The Gambling Commission produced amended Guidance for Licensing Authorities in January 2008, May 2009, September 2012 and September 2015. The Policy has been revised taking any changes contained in the guidance into account.
- 1.9 In this district the following numbers of licences/registrations are currently in force under the Act:
- 1 Adult Gaming Centre (Matlock Bath) – premises licence
 - 4 Bookmakers (Betting Shops) – premises licences
 - 4 Unlicensed Family Entertainment Centres (Matlock Bath) - permits
 - Occasional Use Notices (for Flagg Races and Pikehall Harness Racing)
 - 160 Small Society Registrations
- 1.10 In practice, it is considered that the Council's policy has worked well; this is reflected by all applications for licences and permits being granted without any referral to a Committee hearing during the last 9 years, although it should be noted there have not been any new applications for premises licences since 2011.
- 1.11 There have not been any significant issues raised, or any complaints received that would compromise the Council's existing, or proposed, Policy.
- 1.12 As result of revised guidance from the Gambling Commission and departmental structure changes at the Council, since the last review it has been necessary to make some administrative amendments to the content/format of the document. These changes are either deleted, or highlighted in the draft document in **Appendix 1**.
- 1.13 In March 2015 a draft Policy was considered by the Licensing and Appeals Committee. It was resolved that a final draft policy should be produced and presented to full Council for approval and republishing before the end of January 2016.
- 1.14 At that time the Gambling Commission was intending to revise its Licence Conditions and Code of Practice (LCCP) for Operators of gambling establishments, to include a formal requirement for them to consider local risks and propose and implement measures to mitigate them. This requirement which was not published until February 2015 is explained in more detail in paragraph 1.18, below.

1.15 It is considered that the proposed revisions to the policy do not alter the principles of the existing policy. In September 2009 and October 2012 consultations similar to the one carried out in 2006 were undertaken to enable further 3-yearly reviews of the Policy.

1.16 On both occasions comments were sought from the following organisations and no changes were recommended:

- The Gambling Commission;
- H M Customs and Excise;
- Neighbouring Licensing Authorities;
- Local Solicitors and Licensing Consultants;
- Responsible Authorities listed in Appendix 1 of the Policy;
- Persons/Bodies Representative of Trade Association (listed in the policy);
- Persons/Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

1.17 A simple consultation is currently being carried out with the main stakeholders as listed in paragraph 1.7 of this report. Comments are invited by 25 January 2016, and any received after this report has been published will be reported verbally at the meeting.

1.18 Local Risk Assessments

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks.

1.19 Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision will come into force on 6 April 2016.

1.20 Licensees are required to assess the 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 undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

1.21 Licence holders are required to undertake a local risk assessment:

- a) when applying for a new premises licence;
- b) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- c) when there are significant changes at a licensee's premises that may affect mitigation of local risks; and
- d) when applying for a variation of a premises licence.

The risk assessment must be reviewed regularly.

1.22 The new social responsibility provision is supplemented by an ordinary code provision recommending as good practice that:

- a) licence holders should share their risk assessment with licensing authorities when applying for a premises licence; or

- b) applying for a variation to an existing licensed premises;
- c) or at the request of the licensing authority.

This provision will also take effect from 6 April 2016.

- 1.23 Where a licensing authority requests that the licence holder shares a copy of the risk assessment which sets out the measures they have put in place to address specific concerns, this should reduce the occasions on which a premises licence review and the imposition of license conditions becomes necessary.

In order to facilitate the risk assessment process, the Licensing Manager will contact each of the licensed operators direct, to ensure compliance before 6 April 2016.

2 RISK ASSESSMENT

2.1 Legal

The Council has a statutory obligation to review and re-publish its Gambling Statement of Principles (Policy) statement every three years. Not to do so could result in the policy being challenged, and if challenged successfully, could result in the Council's reputation being harmed.

The Licensing Authority, in its administration of the licensing regime is bound by the provisions of the Gambling Act 2005, the regulations made under it, the guidance issued by the Gambling Commission and its own licensing statement of principles. The integrity of the policy therefore has the potential to directly impact on the licensing authority's determination of applications under the Act.

2.2 Financial

There are no financial risks or other resource implications directly arising from this report. The financial risk is therefore assessed as low.

3 OTHER CONSIDERATIONS

- 3.1 In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental health, climate change, legal and human rights, financial personal and property considerations.

4 CONTACT INFORMATION

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Email: eileen.tierney@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Description	Date	File
Gambling Act 2005	2007	RS/ ET/Licensing
Gambling Commission Guidance	September 2012 & 2015	RS/ET/Licensing
Licensing & Appeals Committee Reports	March 2015	RS/ET/Licensing
Equalities Impact Assessment An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.	January 2013	RP/Policy Section

6 ATTACHMENTS

Appendix 1	Proposed Statement of Principles (Gambling Policy)
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DRAFT

(Revisions are highlighted/shaded in grey)

STATEMENT OF PRINCIPLES

Gambling Act 2005

All references to the Gambling Commission's Guidance for local authorities in this document, refer to the revised Guidance issued to Licensing Authorities (5th Edition), September 2015.

If you wish to comment on this Policy please contact:

The Licensing ~~and Administration~~ Manager
Community Regulatory Services Department
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire DE4 3NN

(01629) 761374

Email: licensing@derbyshiredales.gov.uk

This information is available free of charge in electronic, audio, Braille and large print versions, and in other languages on request. For assistance in understanding or reading this document, please telephone ~~01629 761288~~ 01629 761313

**(Version 1: FIRST DRAFT FOR APPROVAL: To be published January 2016;
 Effective from 31st January 2016)**

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NB: Review of Policy Statement - 2015

This draft Statement of Principles has been revised to ensure it is consistent and up-to-date with the legislation and Gambling Commission's Guidance. There are no proposed changes to the District Council's approach to carrying out its functions under the Gambling Act 2005. References have been corrected where documents or organisations have been superseded or no longer exist, and some minor administrative changes have been necessary for clarification purposes.

(RS/ET/Dec 2015)

PART A

BACKGROUND

1 The Licensing Objectives

1.1 The Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Gambling Act 2005 (“the 2005 Act”). 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.

2 Introduction

2.1 The District of Derbyshire Dales District Council is an area of spectacular countryside approximately half of which lies within the Peak District National Park. The District is home to **71,000** people living in four main centres of population – Ashbourne, Bakewell, Matlock and Wirksworth - and 100 or so smaller towns and villages.

2.2 Some premises already licensed under the Licensing Act 2003 to sell alcohol and provide entertainment and late night refreshment, are also affected by the provisions of the Gambling Act 2005 - having Amusement with Prizes machines (AWPs). In addition these premises, the 2005 Act affects betting shops and tracks, family entertainment centres, bingo, casinos, adult gaming centres (arcades with high stake/prize machines) and travelling fairs. Also affected are operations not licensed generally for gambling purposes but could be used for certain types of gambling for limited periods – these will be covered by Temporary and Occasional Use Permits. For example, in Derbyshire Dales there is an annual point-to-point race meeting and a harness racing event.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles which they propose to apply when exercising their functions. This statement has to be published at least every three years and can also be reviewed from “time to time” with any amended parts being re-consulted upon. The statement is then re-published. The Statement sets out the manner in which applications are considered. Each application will be considered on its individual merits.

2.4 Before determining this Statement of Principles Licensing Authorities are required to consult:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
- 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.

2.5 This Licensing Authority has consulted with:

- Derbyshire Constabulary's Chief Officer of Police
- Local Safeguarding Children Board (Derbyshire County Council ~~Social Services~~)
- Persons/Bodies Representative of Trade Associations
- Persons/Bodies Representative of Residents Associations
- Derbyshire Trading Standards Service
- Elected Members of Derbyshire Dales District Council
- Town and Parish Councils, and Parish Meetings

(For a list of bodies/organisations consulted see page 26 of Policy)

The original consultation in 2007 was carried out using the HM Government Code of Practice (July 2008) as guidance.

Details of comments made, and the consideration given to them by the Council is available on request from the Licensing & Administration Manager, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire, DE4 3NN.

The Policy was first approved at a meeting of the full Council on 14 December 2006, with further reviews in 2009, **2013, and 2016.**

2.7 This Statement 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.

3 Declaration

3.1 In producing the Statement of Principles, this 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.

4 Responsible Authorities

- 4.1 The licensing Authority is required by regulations to state the principles 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 principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Derbyshire County Council's Local Safeguarding Children Board for this purpose.

- 4.2 The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed in Annexe 1, and are also available via the Council's website at www.derbyshiredales.gov.uk.

5 Interested Parties

- 5.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These 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 licensing authority 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)".

- 5.2 The licensing authority is required by the Guidance to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

The principles are contained in Annexe 2.

- 5.3 The Gambling Commission recommends that the licensing authority states that interested parties includes trade associations, trade unions, residents' and tenants' associations. This 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 – ie someone who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this authority will generally require written evidence that a person/body (eg advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.5 An individual wishing to approach councillors to ask him/her to represent his/her views should ensure that the councillor(s) is/are not part of the Licensing Sub-Committee dealing with the licence application. Information in respect of Members of the Licensing & Appeals Sub-Committees is available from the Council's Democratic Services Section – 01629 761300.

6 Exchange of Information

- 6.1 Licensing authorities are required to include in their Statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information taking into account the provisions of the Data Protection Act 1998. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities 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 Protocols exist for exchanging information with other statutory organisations, and information will only be shared in accordance with the protocols.

7 Enforcement

- 7.1 In exercising the functions under Part 15 and section 346 of the Gambling Act 2005, respectively, this licensing authority will inspect premises and take any enforcement action in respect of offences specified in accordance with its Corporate Enforcement Policy, the Gambling Commission's Guidance, the Regulators' Compliance Code and the principles of the Legislative and Regulatory Reform Act 2006.
- 7.2 The main enforcement role of the licensing authority will be to ensure compliance with the premises licence and other permissions which it authorises.

7.3 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

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

In accordance with the Gambling Commission's Guidance, it will also endeavour to avoid duplication with other regulatory regimes so far as is possible.

7.4 The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not be dealt with by the licensing authority but should be notified to the Gambling Commission.

8 Licensing Authority Functions

8.1 The 2005 Act requires this licensing authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Regulate Members' Clubs and Miners' Welfare Institutes (if applicable) that wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue Club Machine Permits to Commercial Clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from alcohol-licensed premises, under the Licensing Act 2003, for the use of two or fewer gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and Endorse Temporary Use Notices.
- Receive Occasional Use Notices.
- Provide information to the Gambling Commission regarding details of licenses issued.
- Maintain registers of the permits and licences that are issued under these functions.

8.2 Licensing authorities are not involved in licensing remote gambling. This regulatory responsibility lies with the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

1 General Principles

- 1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's Statement of Principles.

The Gambling Commission has advised that "moral objections to gambling are not a valid reason to reject applications for premises licences", and that unmet demand is not a criterion for a licensing authority.

- 1.3 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence provided that they are for different parts of the building, and the different parts of the building can properly be regarded as being separate premises.

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities (issued in September 2012) that:

"In most cases the expectation is that a single building /plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and the ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as separate premises will depend on circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes, or moveable partitions, can properly be regarded as different premises".

- 1.4 This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities in respect of access to gambling by children and young people, which states that,

“Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act”, and

“Licensing authorities should take particular care in considering applications for multiple 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that 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.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have separate registrations for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This licensing authority will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case.

- 1.5 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. A licence will only be issued in relation to premises that are ready to be used for gambling. This requirement for a building to be complete, before a licence will be issued ensures that it can be fully inspected if necessary, by the appropriate authorities with inspection rights.
- 1.6 **Location** - This 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 can be. This licensing authority 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 own merits, with the onus being placed on the applicant to show how potential concerns can be overcome.

- 1.7 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. However, it will 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.
- 1.8 **Licensing Objectives** - Premises licences granted must be reasonably consistent with the licensing objectives:
- **preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
- 1.8.1 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling being a source of crime. Where an area has known high levels of crime this authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance, and will consider factors such as whether police assistance was required and the extent to which the behaviour was threatening, so as to make that distinction. Issues of nuisance cannot be addressed by the Gambling Act provisions.
- **Ensuring that gambling is conducted in a fair and open way;**
- 1.8.2 This licensing authority has noted that the Gambling Commission has stated that it would, generally, not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. (Tracks are dealt with differently – see pages 15/16).
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**
- 1.8.3 This licensing authority acknowledges the Commission's Guidance, that this objective means preventing children from taking part in gambling as well as restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children.
- 1.8.4 Consideration will be given as to whether specific measures should be required at particular premises – these could include, supervision of entrances, machines, segregation of areas etc.
- 1.8.5 In the absence of a practical definition of 'vulnerable persons' the licensing authority acknowledges that for regulatory purposes the Commission assumes, "...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."

- 1.8.6 The licensing authority will consider this licensing objective on a case-by-case basis.
- 1.8.7 The licensing authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards the licensing objective, protecting children and other vulnerable persons from being harmed or exploited by gambling, in relation to specific premises such as casinos.

It is understood that a Code for casinos must:

- specify steps that the premises licence holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino, do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

1.9 Local Risk Assessments - from 6 April 2016 a new requirement will be introduced requiring licensed operators of certain gambling establishments to undertake local risk assessments.

1.9.1 This requirement was formalised in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015.

1.9.2 Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

1.9.3 Licensees are required to assess the 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 undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

1.9.4 Licensees are required to undertake a local risk assessment:

- a) when applying for a new premises licence;
- b) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- c) when there are significant changes at a licensee's premises that may affect mitigation of local risks; and
- d) when applying for a variation of a premises licence.

1.9.5 The risk assessment must be reviewed as necessary.

1.9.6 The new social responsibility provision is supplemented by an ordinary code provision recommending as good practice that:

- a) licensees should share their risk assessment with licensing authorities when applying for a premises licence; or
- b) applying for a variation to an existing licensed premises;
- c) or at the request of the licensing authority.

Where a licensing authority request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns, this should reduce the occasions on which a premises licence review and the imposition of license conditions is required.

1.10 **Conditions** – This licensing authority will only attach conditions to a licence that are proportionate and:

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

1.11 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of 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 regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

1.12 The licensing authority will also consider specific measures which may be required for buildings which 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.

1.13 This licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- 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.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.14 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. This licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.15 There are conditions which the licensing authority cannot attach to premises licences.

These are:

- any condition on the premises licence which makes it impossible to comply with an operating licensing condition;
- conditions relating to gaming machine categories, numbers or methods 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.

1.16 **Door Supervisors** - The Gambling Commission advises in its Guidance that licensing authorities may consider whether there is a need for door supervisors to protect children and vulnerable persons from being harmed or exploited by gambling and also to prevent premises becoming a source of crime. It is noted though that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). Where it is determined that door supervisors are required, the licensing authority will consult with the Police.

1.17 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether or not these need to be SIA licensed. It will not be automatically assumed that they need to be.

2 Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

2.2 Appropriate licence conditions may cover issues such as:

- Proof of Age Schemes
- CCTV
- Supervision of Entrances/Machine Areas
- Physical Separation of Areas
- Location of Entry
- Notices/Signage
- Specific Opening Hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

- 2.3 This licensing authority notes that the holder of an Adult Gaming Centre premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. A licence variation may be required if operators wishing to take advantage of this change in the legislation need to make alterations to the structure/layout of the premises.
- 2.4 The holder of an Adult Gaming Centre premises licence granted on or after 13 July 2011, but before 1 April 2014, is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; however, from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

3 (Licensed) Family Entertainment Centres

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 This licensing authority will expect applicants to offer their own measures to meet this licensing objective; appropriate licence conditions may cover issues such as:
- CCTV
 - Supervision of Entrances/Machine Areas
 - Physical Separation of Areas
 - Location of Entry
 - Notices/Signage
 - Specific Opening Hours
 - Self-barring schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Measures/training for staff on how to deal with suspected truant school children on the premises.

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

- 3.3 This licensing authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences when they have been published.

4 Casinos

- 4.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision would need to be made by the full Council.

5 Bingo Premises

- 5.1 This licensing authority notes that the Gambling Commission Guidance states in paragraph 18.4, that:

“Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.”

- 5.2 and in paragraph 18.6, that:

“Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.”

- 5.3 This licensing authority also notes that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. A licence variation may be required if operators wishing to take advantage of this change to the legislation need to make alterations to the structure/layout of the premises.

- 5.4 The holder of a bingo premises licence granted on or after 13 July 2011, but before 1 April 2014, is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; however, from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

- 5.5 This licensing authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

6 Betting Premises

- 6.1 This licensing authority will, as stated in the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It is an offence for those under 18 to bet.

7 Tracks

- 7.1 This licensing authority is aware that tracks may be subject to one, or more than one, premises licence, provided each relates to a specified area of the track.
- 7.2 Consideration will be given to the third licensing objective; in particular, the need to ensure that entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.
- 7.3 This licensing authority will therefore expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions may cover issues such as:
- Proof of Age Schemes
 - CCTV
 - Supervision of Entrances/Machine Areas
 - Physical Separation of Areas
 - Location of Entry
 - Notices/Signage
 - Specific Opening Hours
 - Self-barring schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare

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

- 7.5 This licensing authority will have regard to further guidance from the Gambling Commission in respect of where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing with them.
- 7.6 Gaming Machines - Consideration will be given to the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, (other than category D machines) these machines are located in areas from which children are excluded.
- 7.7 Betting Machines - This licensing authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 7.8 This licensing authority notes the suggestion in the Guidance that it may wish to restrict the number and location of such machines in respect of applications for track betting premises licences.
- 7.9 This 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.
- 7.10 This licensing authority will require detailed plans for the race-track and the area that will be used for the temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 7.11 This licensing authority would prefer that all self-contained premises operated by off-course betting operators on track be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8 Travelling Fairs

- 8.1 Low-stake (category D) fruit machines can be made available at fairgrounds along with coin pushers, cranes and grabbers, but higher stake gaming machines (category B and C), like those typically played in arcades and pubs, are not permitted. Fairground operators must source all their machines from Gambling Commission licensed suppliers, and all employees working with gaming machines must be at least 18 years old.

- 8.2 **However,** it will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.3 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27 day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses boundaries is monitored so that statutory limits are not exceeded.

9 Provisional Statements

- 9.1 An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as prescribed in regulations.
- 9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the 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 objectors at the provisional licence stage; or
 - (b) which, in the authority's opinion, reflects a change in the operator's circumstances.
- 9.3 This licensing authority will not take into account irrelevant matters; one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

10 Reviews

- 10.1 A review of a premises licence may be made by interested parties or responsible authorities. However, the licensing authority will decide whether the review is to be carried out.

This licensing authority will consider if it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with the authority's Statement of Licensing Policy; and
- whether the request for a review is frivolous or vexatious.

- 10.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES

1 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 Paragraph 7)

- 1.1 Where premises do not have a premises licence but wish to provide gaming machines, an applicant may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 1.2 A permit may be granted only if this licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the Chief Officer of Police has been consulted on the application. Some considerations to take into account would be the applicant's suitability to operate a family entertainment centre, the suitability of the location of the premises, and any issues about disorder.
- 1.3 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons 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 be considered on their merits.
- 1.4 Applicants will have to demonstrate that they and their staff have a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- 1.5 Applicants should have no relevant convictions, as set out in schedule 7 of the Act.
- 1.6 The Licensing Authority cannot attach conditions to this type of permit.
- 1.7 With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

2 Alcohol Licensed Premises Gaming Machine Permits (Schedule 13 Paragraph 4(1))

- 2.1 Premises licensed to sell alcohol for consumption on the premises can automatically have two gaming machines, of categories C and/or D. The proprietor of the premises must give notification to the licensing authority.

- 2.2 The licensing authority may remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act;
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.3 If a proprietor of a premises wishes to have more than two machines, he/she must apply for a permit and the licensing authority must consider the application based on the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005.
- 2.4 This licensing authority will also consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant 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.
- 2.5 Measures that can be 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 should be considered. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.6 It is recognised that some local licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 2.7 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than applied for.
- 2.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3 Prize Gaming Permits (Statement of Principles on Permits - Schedule 14 Paragraph 8 (3))

- 3.1 The licensing authority has not prepared a Statement of Principles on Permits. Should it decide to do so it will include details in a revised version of this Statement of Principles.
- 3.2 In making its decision on an application for a permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

3.3 In the Gambling Act 2005 there are conditions the permit holder must comply with but that the licensing authority cannot attach as conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- 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;
- 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 non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4 Club Gaming and Club Machine Permits

4.1 Members' Clubs and Miners' Welfare Institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (a maximum of three machines of categories B, C or D), equal chance gaming and games of chance. A Club Gaming Machine Permit will enable the premises to provide gaming machines (a maximum of three machines of categories B, C or D).

4.2 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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

4.3 Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute 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 Commission or the Police.

- 4.4 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, and the grounds upon which a licensing authority can refuse a permit are reduced.

The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (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.

5 Temporary Use Notices

- 5.1 The licensing authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.
- 5.2 This is a new permission and this licensing authority will object to notices if it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6 Occasional Use Notices

- 6.1 The licensing authority has limited discretion regarding these notices, other than ensuring that the statutory limit of eight days in a calendar year is not exceeded. The licensing authority will determine the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7 Small Society Lotteries

- 7.1 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exhaustive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than 3 months after the date on which the lottery draw was held)
 - submission of incomplete or incorrect returns
 - breaches of limits for small society lotteries
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.

If charities or community groups need further advice, the Council's Licensing Team can help – 01629 761313.

RESPONSIBLE AUTHORITIES – CONTACT DETAILS

Section 157 of the Gambling Act 2005 identifies the bodies that are to be treated as responsible authorities. They are:

- (a) a licensing authority in England and Wales in whose area the premises is wholly/partly situated.

Derbyshire Dales District Council, Licensing & Administration Manager, Community Regulatory Services, Town Hall, Matlock, Derbyshire, DE4 3NN

- (b) the Gambling Commission; Victoria Square House, Victoria Square, Birmingham, B2 4BP

- (c) the chief officer of police/chief constable for the area in which the premises is wholly/partially situated;

Derbyshire Constabulary, B Division, Silverlands, Buxton, Derbyshire, SK17 6QJ

- (d) the fire and rescue service for the same area;

Derbyshire Fire and Rescue Service, Area Office, Staden Lane, Buxton, Derbyshire, SK17 9RZ

- (e) the local planning authority;

Derbyshire Dales District Council, Head of Planning and Housing Services, Development Manager, Regulatory Services, Town Hall, Matlock, Derbyshire, DE4 3NN

Or if premises situated in the Peak District National Park:

Development Control, Peak District National Park, Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE

- (f) an authority which has functions in relation to pollution to the environment or harm to human health;

Derbyshire Dales District Council, Head of Principal Environmental Health Officer Manager, Community Regulatory Services, Town Hall, Matlock, Derbyshire, DE4 3NN.

Or if premises enforced by Health & Safety Executive:

Health & Safety Executive, Band 5 Admin Leader, 1st Floor, The Pearson Building, 55 Upper Parliament Street, Nottingham, NG1 6AU

- (g) anybody designated in writing by the licensing authority as competent to advise about the protection of children from harm;

**Safeguarding Children Board, Safeguarding and Specialist Services,
Derbyshire County Council, County Hall, Matlock, Derbyshire, DE4 3AG**

- (h) HM Revenue & Customs (Notts & Derbyshire):

Howard House, Castle Meadow Road, Nottingham, NG2 1AB

and

- (i) any other person prescribed in regulations by Secretary of State.

Annexe 2

PRINCIPLES TO DETERMINE WHETHER A PERSON IS AN INTERESTED PARTY

2.1 Sufficiently close to the premises

When determining what “sufficiently close to the premises” means (in each case), this licensing authority will consider:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely affected” could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

2.2 Persons with business interests that could be affected

When determining what “a person with business interests that might be affected by the premises” means (in each case), this licensing authority will consider:

- the size of the premises;
- the ‘catchment’ area of the premise (ie how far people travel to visit); and
- whether the person making the representation has business interests in that ‘catchment’ area, that might be affected.

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

The Powers and duties of the Council in respect of licensing may be carried out by the Licensing Committee, by a Sub-Committee or by officers acting under delegated authority. In the interests of efficiency and cost effectiveness the Council will delegate routine matters to officer level.

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officer
Final approval of 3 year Statement of Principles.	X		
Policy not to permit Casinos.	X		
Fee setting when appropriate.		X	Officers/Policy Committee
Applications for Premises Licences		Where representations have been received and not withdrawn.	Where no representations received / representations have been withdrawn.
Application for a variation to a licence.		Where representations have been received and not withdrawn.	Where no representations received / representations have been withdrawn.
Application for a transfer of a licence.		Where representations have been received from the Commission.	Where no representations have been received from the Commission.
Application for a provisional statement.		Where representations have been received and not withdrawn.	Where no representations received / representations have been withdrawn.
Initiate a Review of a premises licence.			X
Application for club gaming/club machine permits.		Where objections have been made and not withdrawn.	Where no objections have been made/ objections have been withdrawn.

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officer
Cancellation of club gaming/club machine permits		X	
Application for other permits.			X
Cancellation of licensed premises gaming machine permits.			X
Consideration of temporary use notice.			X
Decision to give a counter notice to a temporary use notice			X
Decision on whether a representation is irrelevant, or falls within the categories defined within section 198 of the Act (frivolous, vexatious etc)			X
To determine whether the Licensing Authority should make a representation, and the content of it.			X
Small Society Lotteries		Where refusal or revocation is recommended.	Authority to grant or cancel small society registrations.

CONTACT INFORMATION

If you have any queries regarding any licensing matter contact:

Licensing Section
 Community Regulatory Services Department
 Derbyshire Dales District Council
 Town Hall
 Matlock
 Derbyshire DE4 3NN

Tel: 01629 761313

~~Fax: 01629 761165~~

e-mail: licensing@derbyshiredales.gov.uk

Website: www.derbyshiredales.gov.uk

LIST OF CONSULTEES

- Gambling Commission;
- H M Customs and Excise;
- Responsible Authorities listed in Annexe 1 of this Policy;
- Neighbouring Licensing Authorities;
- **Persons/Bodies Representative of Trade Association;**

British Horse Racing Board, British Beer and Pub Association, British Amusement Catering Trades Association, The Bingo Association, British Holiday and Home Parks, Business in Sport & Leisure, Casino Operator's Association (UK), Racecourse Association Ltd, North Derbyshire Chamber of Commerce and Industry; all businesses currently licensed under the Gambling Act 2005 (eg betting shops, amusement arcades (and Head offices such as Ladbrokes, William Hill etc); pubs and clubs licensed to sell alcohol under the Licensing Act 2003 with amusement with prizes machines etc;

- **Persons/Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005;**

Gambler's Anonymous, Remote Gambling Association, Citizen's Advice Bureau, Derbyshire Primary Care Trust, Town/Parish Councils, and Parish Meetings, and Derbyshire Rural Community Council.

COUNCIL
28 JANUARY 2016

Report of the Head of Regulatory Services

LICENSING ACT 2003 REVIEW OF LICENSING POLICY (ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT)

SUMMARY

The report informs the Council of the latest review of its Licensing Policy Statement, relating to alcohol, regulated entertainment and late night refreshment, and seeks authority for it to be adopted and re-published in January 2016.

RECOMMENDATION

That the revised Alcohol, Entertainment and Late Night Refreshment Licensing Policy Statement be adopted and re-published to remain in force from January 2016 for a maximum of 5 years when it must be formally reviewed.

WARDS AFFECTED

All Wards

STRATEGIC LINK

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the vision of a safe Peak District.

1. BACKGROUND

- 1.1. The Licensing Act 2003 (section 5) now requires a Licensing Authority to review and re-publish a statement of its alcohol, entertainment and late night refreshment licensing policy every five years; section 122 of the Police Reform and Social Responsibility Act 2011 changed this period from every 3 to 5 years with effect from January 2011.
- 1.2. Irrespective of the statutory period for review, Licensing Authorities are encouraged to keep the policy under revision throughout the 5-year period; it should be developed in light of feedback on whether the licensing objectives are being met, and in accordance with any revised guidance issued to local authorities under section 182 of the Act.
- 1.3. The Licensing Objectives

There are 4 licensing objectives specified in the legislation, and these are:

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

2. REPORT

2.1. The Licensing Policy

The existing licensing policy was adopted originally by the Council in January 2005 and was revised and re-published in January 2008 and January 2011.

2.2. Before the Licensing Authority determined the original policy in 2005 it was required to consult with:

- the chief officer of police;
- the fire authority;
- local licence holders and bodies representing licence holders (eg beer and pub companies, CAMRA, British Institute of Innkeepers, other trade associations);
- local residents and bodies representing local residents (eg town and parish councils and parish meetings, community forums, citizen's panels);
- local businesses, and bodies representing businesses (eg chamber of trade);

In addition, Derbyshire Dales District Council consulted with:

- the Council's elected members and other officers – tourism, arts development, community safety, leisure;
- neighbouring local authorities;
- other Responsible Authorities – Environmental Health (public nuisance and public safety), Child Protection, Trading Standards, Planning, Health and Safety Executive (HSE); and
- the public, via the website and local libraries.

2.3. Since the Policy was first adopted two new Responsible Authorities have been named in the legislation. These are the Licensing Authority itself, and each Local Authority's Director of Public Health in England. This latter change was made as a result of the commencement measures in the Health and Social Care Act 2012. The Health Body for Derbyshire Dales is Derbyshire County Council.

2.4. The policy sets out the principles that this Licensing Authority applies to promote the licensing objectives when making decisions on applications for new licences or variations to existing licences made under the Act. It focuses on the authority's approach to its responsibilities under the Act.

2.5. The Policy does not include procedures for making applications or holding committee hearings as these matters are covered by separate guidance and procedure documents and are made available to all would-be applicants together with a copy of the Policy.

2.6. Once adopted the reviewed policy will remain in force for 5 years, but this does not prevent an earlier review if considered necessary.

2.7. Changes to Alcohol, Entertainment and Late Night Refreshment Licensing

Since the Council's Licensing Policy was last reviewed there have been several changes to the licensing of alcohol, entertainment and late night refreshment. All of the following issues have been reported to the Licensing and Appeals Committee during the last 5 years for information, consideration and/or action:

- the Live Music Act 2012 introduced deregulation of live music in specific circumstances;
- the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 introduced an amended list of Mandatory Conditions to be attached to Premises Licences/Club Premises Certificates;
- the Deregulation Act 2015 introduced deregulation of most types of entertainment, in specific circumstances;
- the Licensing Authority was given new powers to suspend Premises Licences/Club Premises Certificates for non-payment of the annual fee;
- the Police Reform and Social Responsibility Act 2011 gave Councils powers to introduce Early Morning Restriction Orders and/or a Late Night Levy, if considered necessary and appropriate;
- the Police Reform and Social Responsibility Act 2011 and the Deregulation Act 2015 both introduced changes to the Temporary Event Notice procedure – allowing event organisers to give Late TENs; increasing the number of TENs and extending the total number of days in a year that can be covered by TENs; allowing Environmental Health Officers as well as Police Officers to object to TENs.
- the Deregulation Act 2015 also relaxed the requirement for Personal Licences to be renewed after 10 years – once issued they no longer expire unless surrendered or revoked;
- the Police Reform and Social Responsibility Act (2011) amended licensing legislation to give health authorities a statutory role in the licensing process, acknowledging the future role to be played by the Director of Public Health.

2.8. In practice, Officers consider that the policy has worked well. This view can be supported by only three applications having been received for formal reviews of licences during the last 10 years. A review is where a licence is referred to a meeting of the Licensing and Appeals Committee following receipt of complaints or objections which cannot be resolved by other statutory means.

2.9. Also, during the last 10 years there have only been 3 appeals to the Magistrates' Court against decisions of a Licensing Sub-Committee, and in each case the Council's decision was upheld.

2.10. Statutory Guidance – Section 182 of the Licensing Act 2003

The statutory guidance for licensing authorities (first issued in July 2004 by the Secretary of State) has been revised several times since, with the latest revision being published 26 March 2015.

2.11. In light of the guidance and departmental structure changes at the Council, some administrative amendments have been necessary to the content/format of the document. These changes are either deleted, or highlighted in the draft document in **Appendix 1**.

2.12. The proposed revisions to the document are mainly administrative and do not alter the principles of the policy. A simple consultation is being carried out with only the main consultees being notified of the changes. Comments are invited by 25 January 2016, and any received after this report has been published will be reported verbally at the meeting.

2.13. Licensing Committee

In May 2013 it was reported to a meeting of the Licensing and Appeals Committee that this Policy would not need a formal review until January 2016. Authority to approve the final Policy rests with the full Council, not with any of the Policy Committees.

3. RISK ASSESSMENT

3.1. Legal

There may be potential for decisions made in determining licensing applications that become the subject of judicial review or appeal. If the Licensing Policy is not credible it may be subject to legal successful challenge. The report is intended to address issues that may give rise to the need for change, and the legal risk is therefore assessed as being low.

The Council's Statement of Licensing Policy is not only important in setting out the Licensing Authority's approach to carrying out its duties under the Licensing Act 2003, but it must also be applied by the Magistrates' Courts on appeal, unless there is good reason to depart from it.

3.2. Financial

There are no financial or other resource implications directly arising from this report. The financial risk is therefore assessed as low.

3.3. Corporate Risk

The Council has a statutory obligation to review and re-publish the Licensing Policy statement every five years. Not to do so could result in the policy being challenged, and if challenged successfully, could result in the Council's reputation being harmed.

The Licensing Authority, in its administration of the licensing regime is bound by the provisions of the Licensing Act 2003, (in particular the licensing objectives), the regulations made under it, the statutory guidance issued by the Secretary of State and its own licensing policy statement. The integrity of the policy therefore has the potential to directly impact on the licensing authority's determination of applications under the Act.

4. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5. CONTACT INFORMATION

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6. BACKGROUND PAPERS

Description	Date	File
Licensing Act 2003 (as amended)		RS/ ET
Statutory Guidance – issued under section 182 of the Licensing Act 2003	March 2015	RS/ET

7. ATTACHMENT

Appendices	Appendix 1 – Draft Alcohol, Entertainment and Late Night Refreshment Licensing Policy 2016-2021
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DRAFT

(Revisions are highlighted/shaded in grey)

LICENSING POLICY

Alcohol, Entertainment and Late Night Refreshment Licensing

This Policy will take effect from **JANUARY 2016**, for a maximum period of 5 years, and will be kept under review. If you wish to make any comments please contact by:

Post : The Licensing & Administration Manager
~~Community Regulatory Services Department~~
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Email : licensing@derbyshiredales.gov.uk

This information is available free of charge in electronic, audio, Braille and large print versions, and in other languages on request. For assistance in understanding or reading this document, please call 01629 761313

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1 Introduction

- 1.1 The District of Derbyshire Dales is an area of spectacular countryside, approximately half of which lies within the Peak District National Park. The District is home to approximately 71,000 people living in four main centres of population, Ashbourne, Bakewell, Matlock and Wirksworth, which are all attractive market towns, and the 100 or so smaller villages. Some of the attractions that are located in the District include Chatsworth House, Haddon Hall, Sudbury Hall, The Heights of Abraham, Gulliver's Kingdom and many picturesque Dales along the Rivers Derwent, Dove, Lathkill and Wye.
- 1.2 The tourism and hospitality industries contribute greatly to the District's economy and this is reflected in the wealth and diversity of premises affected by the Licensing Act 2003. At the time that this revised Policy was adopted there were approximately 450 premises licensed for the sale or supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.
- 1.3 This Licensing Policy Statement is based on the Licensing Act 2003 ("the Act") and is in line with the Guidance issued by the Department of Culture, Media and Sport (DCMS) and the Home Office, under Section 182 of the Act, (latest revision March 2015).
- 1.4 The District Council is the licensing authority under the Act and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences. These licences are required for the sale and / or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The term "Licensing Authority" has been used throughout this document to describe the functions of the District Council under the Act.
- 1.5 This Policy sets out the manner in which applications will be considered. Each application will be considered on its individual merits.
- 1.6 The Policy will not be used to fix the hours during which alcohol may be sold.
- 1.7 The Policy is not intended to regulate matters provided for in any other legislation. Instead it is intended to complement such regimes as planning, health & safety, fire safety, noise and nuisance control, etc.
- 1.8 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities within the District and to promote live music, dance, theatre etc for the wider cultural benefit of the community.
- 1.9 Before determining the Policy the Licensing Authority must consult:
 - Derbyshire Constabulary's Chief Officer of Police
 - Derbyshire Fire and Rescue Service
 - persons / bodies representative of local holders of premises licences
 - persons / bodies representative of local holders of club premises certificates
 - persons / bodies representative of local holders of personal licences
 - persons / bodies representative of businesses and residents in the District
- 1.10 In addition we have consulted bodies such as the Community Safety Partnership and Crime and Disorder Reduction Partnership, the Local Strategic Partnership, Local Safeguarding Children Board, all of the Responsible Authorities listed on pages

2 Licensing Objectives

2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

2.2 These objectives are of equal importance and are the only matters that may be taken into account when determining licensing applications.

2.3 The licensing function is only one method of delivering these objectives. The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, the fire and rescue service, local businesses, licensees and local people, towards the promotion of the objectives.

2.4 These objectives will be considered when determining applications for any of the licensable activities listed in the Act, and summarised as follows:

- retail sale of alcohol
- supply of alcohol to club members
- provision of regulated entertainment – to the public, to club members, or with a view to profit:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - ~~provision of facilities for making music~~
 - ~~provision of facilities for dancing~~
- supply of hot food and / or drink from any premises between 11pm and 5am

2.5 The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function specifically with the aim of promoting public health as, the licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003. However, the licensing authority believes that public health has much to contribute to licensing and through ensuring the responsible selling of alcohol (by for example preventing drunkenness, restricting access of alcohol to underage persons etc.), this may have a positive impact on reducing a person's drinking at harmful or hazardous levels.

The licensing authority encourages individual premises to sign up to the Public Health 'Responsibility Deal'. This encourages businesses and other influential organisations to make a significant contribution to improving public health committing to taking action voluntarily through their responsibilities as employers, as well as through their commercial actions and their community activities. Further Information can be found at: <https://responsibilitydeal.dh.gov.uk/>

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health and the other health bodies have unique access to data and evidence not available to other responsible authorities and which may inform licensing decisions, particularly in relation to cumulative impact policies. When such evidence/data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the licensing authority in reaching its decision.

3 Fundamental Principles

- 3.1 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs, and at temporary events within the terms of the Act. Any conditions attached to various authorisations will be focused on matters within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as in being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. Where there is dispute, the question will ultimately be decided by the Courts.
- 3.2 In addressing this issue the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the authorisation. Nevertheless, licensing law does have an important role to play in these matters and the Licensing Authority wishes to use all relevant controls in managing the evening and night-time economy.

4 The Need for Licensed Premises

- 4.1 “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the District Council in discharging its licensing functions, or for this Policy. “Need” is a matter for planning committees and for the market.

5 Cumulative Impact

- 5.1 In some town centres, where the number, type and density of premises selling alcohol on the premises are unusual, serious problems of nuisance and disorder outside or some distance from licensed premises may occur.
- 5.2 Where there is evidence that such a problem exists the Licensing Authority may adopt a Special Policy relating to cumulative impact.
- 5.3 The effect of a Special Policy would be that applications for new premises licences or club premises certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Policy issues in their operating schedules.
- 5.4 In order to adopt a Special Policy, the Licensing Authority has to take the following steps:

- identification of concern about crime and disorder or public nuisance
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so, identifying the area from which problems are arising; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent
- consultation with relevant bodies (as specified in the introduction to this Policy)
- inclusion of the Special Policy in the Licensing Policy
- publication of the Special Policy

5.5 Derbyshire Dales District Council is not proposing to adopt a Special Policy about cumulative impact at this time. The absence of a Special Policy does not prevent any responsible authority or interested party making representations on new applications on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

6 Other Mechanisms for Controlling Cumulative Impact

6.1 Whilst the Licensing Authority does not intend adopting a Special Policy there are other mechanisms that may be used to address behaviour that causes public nuisance, crime or disorder, for example:

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of the Licensing Authority to designate parts of the District as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a resident or business to seek a review of the licence or certificate in question

6.2 These may be supplemented by local initiatives promoted by partnership working of the Licensing Authority and the Responsible Authorities, in support of other legislation and guidance – eg Crime and Disorder Act 1998, Clean Neighbourhoods and Environment Act 2005, Violent Crime Reduction Act 2006, Health Act 2006 (workplace smoking ban), Policing and Crime Act 2009, Police Reform and Social Responsibility Act 2011, Anti-Social Behaviour, Crime and Policing Act 2014, Alcohol Harm Reduction Strategy, Local Government Regulation's (LAC^{ORS}) Practical Guide to Test Purchasing, etc.

7 Licensing Hours

- 7.1 The Licensing Authority will determine licensing hours on the individual merits of each application taking into account the operating schedule and any relevant representations. Longer licensing hours for the sale of alcohol can avoid large concentrations of customers leaving premises at the same time. This is necessary to reduce the friction at late night fast-food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 7.2 The Licensing Authority will not set fixed trading hours within a designated area. This practice is known as 'zoning', and experience in Scotland suggests that it may lead to significant movement of people across boundaries resulting in greater disturbance in the streets.
- 7.3 Applicants should be aware that there are few areas in the District where licensed premises do not have the potential to impact upon residential properties and they will be expected to demonstrate how they will prevent their premises from giving rise to crime, disorder and public nuisance.
- 7.4 Generally shops, stores and supermarkets will be allowed to sell alcohol for consumption off the premises at any time when they are open for shopping, unless there are very good reasons for restricting these hours. For example, a limitation may be appropriate following police representations in respect of a shop known to be a focus of disorder and disturbance.

8 Children

- 8.1 This Policy seeks to protect children from physical, moral or psychological harm in line with the licensing objectives. Areas that will give rise to particular concern in respect of children include premises:
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with the reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises (but not for example, the simple presence of a small number of cash prize gaming machines, although applicants will need to ensure that the siting of these machines is such that they minimise the potential to give rise to harm)
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 8.2 It would be unusual for the Licensing Authority to completely prohibit children from having access to premises. A range of alternatives is available for limiting their access where that is necessary in order to protect them from harm:
- limitations on the hours when children may be present
 - exclusion of children under certain ages when particular specified activities are taking place
 - limitations on parts of premises to which children might be given access
 - age limitations (under 18)

- requirements for accompanying adults
- full exclusion of those people under 18 from the premises when any licensable activities are taking place

8.3 The Licensing Authority will not impose any condition which requires the admission of children to any premises.

8.4 The Licensing Authority considers the Competent Body to advise on matters relating to the protection of children from harm to be the Derbyshire Local Safeguarding Children Board. A copy all applications for new licences or major variations will be sent to this Responsible Authority.

8.5 A further measure that should be considered in this context is the implementation of proof of age schemes. The Licensing Authority particularly commends schemes that carry the Proof of Age Standards Scheme (PASS) hologram logo.

8.6. The applicant must comply with the requirements of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, which makes proof of age schemes a mandatory condition of any licence to sell alcohol.

9 Children and Cinemas

9.1 Where film exhibitions are held at premises, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC), or in specific cases, by the Licensing Authority, itself.

9.2 In addition, all licences or certificates authorising film exhibitions must include a condition restricting the admission of children in accordance with the recommendations given to films by the BBFC or by the Licensing Authority.

10 Integrating Strategies

10.1 The Licensing Authority will ensure the proper integration of this Policy with local crime prevention, planning, transport, ~~tourism~~, equality schemes and cultural strategies, in carrying out its licensing functions, through consultation, liaison and partnership working.

10.2 The Licensing Authority will expect applicants for premises licences and club premises certificates to have taken into account the Licensing Authority's Strategies when drawing up the operating schedule part of the application.

Crime Prevention

10.3 The Licensing Authority will encourage applicants and existing licence-holders to participate in crime prevention/community safety initiatives for licensed premises, developed with partners; for example, campaigns such as, (but not exclusively), 'Intoxicated – No Sale', and 'Intoxicated – No Entry', 'Safe and Responsible', or similar.

10.4 Where relevant representations are received or where they are suggested by the operating schedule, the Licensing Authority may attach conditions to premises licences and club premises certificates in order to reflect local crime prevention strategies.

Cultural Strategies

- 10.5 The Licensing Authority will monitor the impact of its licensing function on the provision of regulated entertainment, and particularly live music and dancing. Licensing conditions will only be used to impose restrictions on such events where they are necessary, proportionate and reasonable. Where there is an indication that these events are being deterred by licensing requirements this Policy will be reviewed to investigate how the situation may be reversed.

Transport

- 10.6 Where concerns are raised about the need to swiftly disperse people from town centres in order to prevent disorder and disturbance, the Licensing Authority will make arrangements to liaise with Derbyshire County Council's Local Transport Unit, and any other relevant organisations.

~~Tourism~~, Employment, Planning and Building Control

- 10.7 Arrangements will be made for the Licensing Committee to receive reports on the following, to ensure they are reflected in their considerations:
- the needs of the local ~~tourist~~ economy
 - the local employment situation and the need for new investment and employment where appropriate
- 10.8 In order to avoid duplication and inefficiency the Licensing Authority recognises that applications for licences should not be seen as a re-run of the planning application process and should not cut across planning decisions. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.
- 10.9 The **Licensing & Appeals** Committee will, where appropriate, provide regular reports to the Planning Committees so that they may have regard to the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Promotion of Equality

- 10.10 ~~The Licensing Authority recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places legal obligation on public authorities to promote racial equality; the Disability Discrimination Act 2005 places a duty to promote disability equality; and the Equality Act 2006 places a duty to promote equality of gender.~~

The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to promote equality." to reflect the change whereby the 2010 Act replaced and expanded on the previous legislation.

11 Duplication

- 11.1 The Licensing Authority will ensure that in exercising its licensing function it does not duplicate other regulatory regimes, such as planning, pollution control, health & safety etc.. eg. legislation governing health and safety at work or fire safety, already places duties on licensees in respect of the safety of employees and the general public.

- 11.2 Conditions in respect of public safety will only be attached to premises licences and club premises certificates where they are necessary for the promotion of that licensing objective and are not already provided for by other legislation.

12 Standardised Conditions

12.1 Mandatory Conditions

The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificates in the circumstances specified.

MANDATORY CONDITION: SUPPLY OF ALCOHOL

- (1) No supply of alcohol may be made under the premises licence:
- at a time when there is no designated premises supervisor in respect of the premises licence, or
 - at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: IRRESPONSIBLE PROMOTIONS

- The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - drink as much alcohol as possible (whether within a time limit or otherwise);
 - provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

MANDATORY CONDITION: FREE TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

MANDATORY CONDITION: PROOF OF AGE SCHEME

- (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
 - (i) a holographic mark, or
 - (ii) an ultraviolet feature.

MANDATORY CONDITION: REQUIREMENT TO MAKE SMALL ALCOHOL MEASURES AVAILABLE

The responsible person shall ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: SALE OF ALCOHOL - DUTY + VAT

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(a).

MANDATORY CONDITION: EXHIBITION OF FILMS

The admission of children to film exhibitions is to be restricted in accordance with film classification recommendations made by the British Board of Film Classification.

MANDATORY CONDITION: DOOR SUPERVISORS

Any individual(s) at the premises carrying out a security activity must be licensed by the Security Industry Authority, as required by section 21 of the Licensing Act 2003.

12.2 Other Conditions

Any conditions that are attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be imposed where they are consistent with an operating schedule or on receipt of relevant representations.

12.3 Any conditions proposed by the applicant in the operating schedule part of the application shall be interpreted in accordance with the applicant’s intention. Standardised (blanket) conditions will be avoided, but the wording of the conditions shall be clear and easy to understand and enforceable.

12.2 Licence conditions will only be imposed where there is a need to promote the licensing objectives.

~~The Licensing Authority may draw from the pools of conditions contained in annexes D of the DCMS Guidance.~~

~~**Annexe D**~~

~~**Part 1** Conditions relating to the prevention of crime and disorder~~

~~**Part 2** Conditions relating to public safety (including fire safety)~~

~~**Part 3** Conditions relating to Theatres, cinemas, concert halls and similar places (promotion of public safety)~~

~~**Part 4** Conditions relating to the prevention of public nuisance~~

~~**Part 5** Conditions relating to the protection of children from harm~~

~~12.3 These are available by contacting the Council’s Licensing Team, Telephone 01629 761313; Email licensing@derbyshiredales.gov.uk; or the~~

~~Home Office
Direct Communications Unit
2 Marsham Street
London
SW1P 4DF~~

~~Telephone 020 7035 4848; Email public.enquiries@home-office.gsi.gov.uk
Website: <http://www.homeoffice.gov.uk>~~

~~Voluntary Codes~~

~~12.4 The Licensing Authority commends observance of the voluntary codes supporting responsible retailing and promotion of alcoholic drinks as detailed in Annex E of the Guidance issued under section 182 of the Licensing Act.~~

~~Further information can be accessed via the Home Office website or by telephone or email as detailed in Paragraph 12.3.~~

13 Enforcement

- 13.1 The Licensing Authority has established an enforcement protocol with Derbyshire Constabulary and other partners on matters relating to licensing. The purpose of the protocol is to ensure the effective deployment of local authority, police and other partner organisations' staff in the enforcement of licensing law and the inspection of licensed premises.
- 13.2 Inspection and enforcement activity will be targeted on a risk-assessed basis with high risk and problem premises receiving greater attention, and those premises that are low-risk receiving a 'lighter touch'.
- 13.3 Any enforcement action taken by the Licensing Authority will be in accordance with Derbyshire Dales District Council's Corporate Enforcement Policy and will take into account the principles of the Regulator's Code, which are available from the District Council's **Licensing Manager**.

14 Live Music, Dancing and Theatre

- 14.1 In its role of implementing its cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, particularly for children.
- 14.2 When considering applications for such events the Licensing Authority will carefully balance the cultural needs with the need to promote the licensing objectives before imposing conditions on licences or certificates. As in all cases, conditions may only be imposed where they are consistent with an operating schedule or on receipt of relevant representations.
- 14.3 The Licensing Authority has obtained premises licences for public spaces within the community in its own name. These areas include parks and recreation grounds, leisure centres and car parks. Performers and entertainers providing only regulated entertainment do not need to obtain a licence or other form of authorisation before using these areas, although they will still need to obtain the permission of the District Council as the premises licence holder.

15 Administration, Exercise and Delegation of Functions

15.1 The powers and duties of the Licensing Authority in respect of licensing may be carried out by the Licensing Committee, by a sub-committee or by officers acting under delegated authority. Many of the licensing functions are administrative in nature and in the interests of speed, efficiency and cost-effectiveness the Licensing Authority supports the principle of delegating routine matters to officer level.

15.2 The table below sets out the delegation of functions and decisions.

Matter to be dealt with	Full Committee	Sub Committee	Officers **
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application (full) to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for Minor Variation of premises licence/club premises certificate			All cases
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases

Matter to be dealt with	Full Committee	Sub Committee	Officers **
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police or environmental health objection to a temporary event notice		All cases	

** Officers to be delegated by Derbyshire Dales District Council's ~~Licensing Committee~~ to carry out this responsibility are: the ~~Director of Community Services~~ Head of Regulatory Services and the Licensing & Administration Manager.

16 Responsible Authorities

- 16.1 The Responsible Authorities are the public bodies that must be fully notified of applications, and are entitled to make representations to the Licensing Authority in relation to the application for grant, variation, or review of a premises licence or club premises certificate.
- 16.2 The Licensing Authority will include information and advice prepared by the Responsible Authorities in application packs for licences, and encourages applicants to seek early advice from the Responsible Authorities when making applications.

See table below for contact details for the Responsible Authorities for Derbyshire Dales District:

LICENSING ACT 2003 - RESPONSIBLE AUTHORITIES FOR DERBYSHIRE DALES

<u>Definition in Licensing Act 2003</u>	<u>Responsible Authority for Derbyshire Dales</u>	<u>Contact Details</u>
1. 'the relevant licensing authority and any other licensing authority in whose area part of the premises is situated'	Licensing Manager Email: licensing@derbyshiredales.gov.uk Tel: 01629 761313	Regulatory Services Derbyshire Dales District Council NB: please do not send extra copies to DDDC – we only need the original full application plus fee. If you are unsure if the premises is in more than one licensing authority's area, please contact this Council's Licensing Team.
2. 'the chief officer of police for any police area in which the premises are situated' Tel: 01298 762052	Derbyshire Constabulary Email: BDiv.Licensing@Derbyshire.PNN.Police.uk	Divisional Licensing Manager Buxton Police Headquarters Silverlands Buxton Derbyshire SK17 6QJ
3. 'the fire authority for any area in which the premises are situated' Tel: 01298 22620	Derbyshire Fire and Rescue Service Email: west_area@derbys-fire.gov.uk	Staden Lane Buxton Derbyshire SK17 9RZ
4. 'the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health'.	Principal Environmental Health Officer FAO (Public Health & Housing) Email: envhealth@derbyshiredales.gov.uk Tel: 01629 761212	Regulatory Services Derbyshire Dales District Council Town Hall Matlock Derbyshire DE4 3NN
5. 'the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated'.	Principal Environmental Health Officer FAO (Commercial Section) Email: envhealth@derbyshiredales.gov.uk Tel: 01629 761212	Regulatory Services Derbyshire Dales District Council Town Hall Matlock Derbyshire DE4 3NN

OR

‘the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated’.

Health and Safety Executive
Email: margaret.erskine@hse.gsi.gov.uk
Tel: 0115 971 2802

Health and Safety Executive
Band 5 Admin Leader
City Gate West
1st Floor
Toll House Hill
Nottingham NG1 5AT

Please note:

Enforcement responsibility for the Health and Safety at Work etc Act 1974 may rest either with the local authority or with the Health and Safety Executive. Further advice regarding which should be obtained from your safety advisor, or to check which authority you need to serve your application on, please contact the Licensing Section at the Council – 01629 761313.

6. ‘the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c 8) for any area in which the premises are situated’

Development Manager
Email: planning@derbyshiredales.gov.uk
Tel: 01629 761336

Regulatory Services
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire DE4 3NN

OR

‘the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c 8) for any area in which the premises are situated’.

Head of Development Control
Email: devcon@peakdistrict.gov.uk
Tel: 01629 816200

Peak District National
Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire DE45 1AE

Please note:

The responsibility for planning issues is divided between 2 authorities in the Derbyshire Dales. The District Council is the planning authority for the southern area of the district and the Peak District National Park Authority covers the northern area. To check which planning authority you need to serve your application on please contact the Licensing Section at the Council – 01629 761313.

7. ‘a body which:

(i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm,

Local Safeguarding Children Board
Email: trading_standards@derbyshire.gov.uk
Tel: 01629 532178

Derbyshire County Council
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

(ii) and it is recognised by the licensing authority for that area for the purposes of this’ section as being competent to advise it on such matters’.

8. 'The local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985)'.

Derbyshire County Council Trading
Standards Division
Email: trading.standards@derbyshire.gov.uk
Tel: 01629 580000 Ext 6166

Derbyshire County Council
Cultural and Community Services
Trading Standards Division
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire DE4 3FW

9. 'The Director of Public Health or Local Health Board for any area in which the premises are situated'.

Derbyshire Public Health
Email: trading.standards@derbyshire.gov.uk
Tel: 01629 536180

Derbyshire County Council
Derbyshire County Public Health
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

(Information revised with effect from April 2013)

CONSULTEES TO THE ORIGINAL LICENSING POLICY

Derbyshire Constabulary
Derbyshire Fire and Rescue Service
Derbyshire Local Safeguarding Children Board
Health & Safety Executive
Derbyshire Dales District Council:
Public Health Authority
Health & Safety Authority
Planning Authority
Legal
Community Safety
Tourism
Arts Development
Leisure Services
Elected Members
Derbyshire County Primary Care Trust
Peak District National Park Authority
Neighbouring Local Authorities
Derbyshire Rural Community Council
Town and Parish Councils and Parish Meetings
Existing holders of Premises Licences and Club Premises Certificates in Derbyshire Dales
Licensing Solicitors
Crime Partnerships
Musicians' Union
Equity
Arts Council for England
Association of Licensed Multiple Retailers
Breweries and Pub Companies
Campaign for Real Ale
Chambers of Trade
British Institute of Innkeepers
Other Interested Parties and Trade Associations
Members of the Public

COUNCIL

28 JANUARY 2016

Report of the Chief Executive

LOCALISM ACT – PAY POLICY STATEMENT

SUMMARY

This report meets the requirement to publish the Council's Annual Pay Policy Statement.

RECOMMENDATION

That the annual Pay Policy Statement for 2016/17 is approved.

WARDS AFFECTED

All

STRATEGIC LINK

The Pay Policy Statement provides for transparency in the way in which the District Council pays its employees which in turn enhances the its ability to deliver its Corporate Aims and Objectives.

1. REPORT

- 1.1. The Localism Act, November, 2011, requires relevant authorities to prepare and publish an annual pay policy statement. The relevant provisions came into force on 15 January 2012 and the Council agreed the first Pay Policy Statement on 2nd February 2012 and there is a continuing need to review the policy on an annual basis.
- 1.2. The provisions add to the range of transparency obligations already placed upon local authorities i.e. the Accounts and Audit Regulations already require historic expenditure on chief officers within specified pay bands to be disclosed in the accounts.
- 1.3. The Statement must set out the authority's policies for the financial year relating to the:
 - remuneration of its Chief Officers
 - remuneration of its lowest paid employees
 - relationship between the remuneration of its Chief Officers and the remuneration of those employees who are not Chief Officers.
- 1.4. The term 'Chief Officer' is defined as
 - The Head of Paid Service (who is also the Chief Executive)
 - Corporate Director

- The Monitoring Officer (who is also the Head of Corporate Services)
- Section 151 Officer (who is also the Head of Resources).

1.5 The Statement must cover the Council's policies relating to:

- The levels and elements of remuneration for each chief officer (including salary and any bonuses and benefits in kind)
- Remuneration of chief officers on recruitment
- Increases and additions to remuneration for each chief officer
- The use of performance related pay for chief officers (if any)
- The use of bonuses for chief officers (if any)
- The approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and
- The publication of and access to information relating to remuneration of chief officers

1.6 The Council is asked to consider the Pay Statement for the 2016/17 financial year as attached in Appendix 1. The Localism Act specifically refers adoption of the Pay Statement to the Council as a responsibility it cannot discharge.

2. **RISK ASSESSMENT**

2.1. Legal

The requirement to publish a Pay Statement is contained within Section 38 to 43 of the Localism Act 2011, which came into force on 15 January, 2012. The policy appended to the report complies with all ancillary employment and equalities legislation and satisfies the statutory requirement. The legal risk is therefore low.

2.2 Financial

There are no financial risks arising from the report.

3. **OTHER CONSIDERATIONS**

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4. **CONTACT INFORMATION**

Deborah Unwin, Human Resources Manager, Tel. 01629 761364 or email Deborah.unwin@derbyshiredales.gov.uk

5. **BACKGROUND PAPERS**

None

6. **ATTACHMENTS**

Pay Policy Statement as Appendix 1

PAY POLICY STATEMENT FOR THE FINANCIAL YEAR 2016/17

INTRODUCTION

Source and scope of policy statement

This policy statement has been produced in accordance with Sections 38 to 43 of the Localism Act 2011 (the Act), which, from 2012 onwards, require local authorities to publish an annual statement of their policy for the relevant financial year in relation to:

- The remuneration of their most senior employees (which the Act defines as the Head of Paid Service (Chief Executive), the Monitoring Officer, the Chief Officers (or Directors), and the Deputy Chief Officers (i.e. Heads of Service who report directly to a Chief Officer);
- The remuneration of their lowest-paid employees; and
- The relationship between the remuneration of the most senior employees and that of other employees.

The Secretary of State has produced guidance on the Act's provisions relating to openness and accountability in local pay, which local authorities must have regard to in preparing and approving their annual pay policy statements. The Council's statement takes full account of this guidance as well as the provisions of the Act.

It also takes account of:

- The Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government in September 2011;
- Guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011;
- Employment and equalities legislation affecting local authority employers, where relevant.

Status of policy statement

Section 41 of the Act makes it clear that the Council must comply with this pay policy statement during the financial year 2016/17.

The pay policy statement will be reviewed on an annual basis, and a new version of the policy will be approved before the start of each subsequent financial year, which will need to be complied with during that year.

The pay policy statement can be amended during the course of any financial year, but only by a resolution of the full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably possible after the amendment is approved by the Council.

Transparency and autonomy

The Council recognises and welcomes the aim behind this pay policy statement to ensure that its approach to pay is accessible for all and to enable local people to take an informed view of whether local decisions on all aspects of remuneration are fair and make the best use of public funds.

It also welcomes the government's recognition that each local authority remains an individual employer in its own right, and, as such, has the autonomy to make decisions on pay that are appropriate to local circumstances and deliver value for money for local taxpayers.

This Statement is divided into seven sections:

- Section 1 Provides details of the remuneration of the District Council's senior officers.
- Section 2 Provides details of the remuneration of the District Council's lowest paid and other employees.
- Section 3 Shows the relationship of pay levels and provides comparative pay in accordance with requirements of the act.
- Section 4 Provides details of policies applied as appropriate across all categories of the District Council's employees.
- Section 5 Explains the basis of the District Council's decision making on remuneration.
- Section 6 Covers the Pay Policy period.
- Section 7 Details the District Council's commitment on publication and transparency.

This information is available, free of charge, in electronic, audio, Braille and large print versions, and in other languages on request. Please contact the District Council's Human Resource Section for assistance.

SECTION 1: REMUNERATION OF THE COUNCIL'S SENIOR EMPLOYEES

1.1 REMUNERATION COVERED IN THIS SECTION OF THE POLICY

This section covers the Council's policies in relation to the remuneration of its senior employees, including:

- Its Chief Executive and Head of Paid Service;
- Its first tier officer i.e.
 - Corporate Director,
- Its second tier officer's i.e.
 - Head of Resources (Section 151 Officer), Head of Corporate Services (Monitoring Officer), Head of Regeneration & Policy, Head of Regulatory Services, Head of Housing, Head of Environmental Services and Head of Community Development.

1.2 CONTEXT

These senior employees are responsible for working with elected politicians to determine the overall strategic direction of the Council, to develop the scale, nature, efficiency and effectiveness of all the services provided by the Council, and to provide day-to-day management of those services.

1.3 OVERALL POLICY ON REMUNERATION FOR SENIOR ROLES

The Council's overall approach to remuneration for its senior employees is based on:

- Compliance with equal pay, equalities and other relevant employment legislation, plus
- Ensuring that its overall remuneration packages align with market norms for the local government and public sectors, whilst at the same time, taking account of
 - Pay levels in the local area, including neighbouring public sector employers;
 - The responsibilities and accountabilities of particular posts which may be very demanding
 - The Collective Agreement that ensures the harmonisation of pay and working conditions.

The Council seeks to maintain this overall approach by carefully monitoring pay data provided by the Joint National Councils (JNCs) for Chief Officers and Chief Executives, the Local Government Association/Employers, and other pay surveys.

In terms of pay differentials, the Council recognises that the role of Chief Executive/Head of Paid Service leads the organisation's workforce and has the greatest level of accountability, and so warrants the highest pay level in the organisation.

At first tier level the Council recognises this role is more demanding than others, and has identified those with a greater level of accountability through job evaluation and careful analysis of job demands and offers them levels of remuneration appropriate to their role.

Below this level, the Council recognises that the demands on and accountabilities of different management roles vary considerably, and seeks to align pay levels with the relative importance and responsibilities of jobs using a process of job analysis and evaluation.

1.4 THE REMUNERATION OFFERED TO SENIOR EMPLOYEES

At Chief Executive and first and second tier levels, the Council offers an annual salary, access to the Local Government Pension Scheme and a range of other benefits, as shown in the table at paragraph 4.

Annual salaries

Annual salary levels for senior employees are set in accordance with the overall principles set out in section 1.3 above. They consist of a grade range which is determined locally by the Council. This grade range consists of a number of incremental salary points, through which employees may progress until the top of the grade is reached.

The salary ranges are:

Chief Executive & Head of Paid Service: £94,480 to £100,263

Corporate Director – grade CO2: £76,684 to £81,378

Senior Manager - grade 17: £61,277- £67,825

Senior Manager - grade 16: £56,787- £61,277

Senior Manager - grade 15: £51,304- £55,364

Senior Manager - grade 14: £46,352- £50,021

Remuneration of Senior Employees on Recruitment

The Council's policy is that any newly appointed senior manager will start at the lowest pay point in the pay range for their job, other than when the particular skills and experience of the successful candidate merit a higher starting salary.

Pay awards

The salaries of senior employees will be increased in line with any pay increase agreed in the Joint National Councils (JNCs) for Chief Executives, Chief Officers or National Joint Council (NJC) for Local Government Services, as appropriate for the category of senior manager.

“Earn back” pay

The Council notes the suggestion in the Hutton Review of Fair Pay in the Public Sector, published in March 2011, for the introduction of “earn back” pay (a system where an element of a manager's pay is “at risk” if a certain level of performance is not met).

The introduction of “earn back” pay within the Council's current pay systems, as a way of relating pay levels to performance, is not an approach that would be compatible with its current pay policy.

1.5 RE-ENGAGEMENT OF CHIEF OFFICERS

Re-engagement as employees or under a contract for services

It is the policy of the Council not to re-employ former employees granted voluntary redundancy or any other enhanced severance package, including former Chief Officers or Heads of Service. In exceptional cases, and only where there is a clear benefit to the Council, such former employees may be re-engaged on a short term contract for service.

Employment of those in receipt of an LGPS pension

Where in the unlikely event that the Council employs as a Chief Executive, Corporate Director or Head of Service a person who is in receipt of a pension under the LGPS, the rules on abatement of pensions adopted by the Council's Administering Authority for the LGPS, pursuant to Regulations 70 and 71 of the the Local Government Pension Scheme (Administration) Regulations 2008 will be applied. Such persons would only be employed following strict application of the normal process of competitive selection for employment.

1.6 PUBLICATION OF DETAILS OF EMPLOYEE REMUNERATION

In accordance with 39 (5) of the Localism Act, this pay policy statement will be published on the Council's website. It will also be published in the Council's Constitution and the District Council's intranet.

The Council is also required to publish information about the remuneration of senior officers under The Accounts and Audit (Amendment No. 2) (England) Regulations 2009, and the Code of Recommended Practice for Local Authorities on Data Transparency, issued under Section 2 of the Local Government Planning and Land Act 1980. This latter information can be obtained via the Council's website.

SECTION 2: REMUNERATION OF LOWEST PAID EMPLOYEES

This section sets out the Council's policies in relation to the remuneration of its lowest-paid employees, as defined in this pay policy statement.

2.1 OVERALL REMUNERATION POLICY: LOWEST PAID EMPLOYEES

Aims, Objectives and Key Principles

The Council aims to develop, implement and maintain fair and equitable remuneration arrangements which enable it to recruit, retain, motivate and develop staff with the skills and capabilities necessary to ensure the continued provision of high quality services and which are cost effective and provide value for money.

The Council's remuneration policy complies with all equal pay, equalities and other relevant employment legislation.

When setting pay levels for specific posts the Council takes account of internal differentials, as measured by job evaluation.

2.2 DEFINITION OF LOWEST PAID EMPLOYEES

The definition of the “lowest-paid employees” adopted by the Council for the purposes of this statement is as follows:

The lowest paid employees within the Council are those substantive employees who are paid on the minimum salary point of the Council’s substantive pay structure, i.e. spinal column point 6, of Grade 2.

The current annual full-time equivalent value of this pay level, based on a 37 hour standard working week, for the financial year 2016/17 is £13,614. However, in April 2015, whilst it is not an accredited to the ‘Living Wage Foundation’, the Council adopted the Living Wage of £15,144 per annum, £7.85 per hour. The Living Wage currently covers the spinal column points up to and including SCP 10 of the NJC pay scale. Therefore, the actual current pay of the lowest spinal column point 6, is £15,144 per annum.

From 1 April 2016 the new National Living Wage of £7.20 per hour will become law. This is however below the District Council’s lowest pay of £7.85 per hour.

The Council considers this to be the most appropriate definition as this is the lowest pay point/pay level on its substantive pay structure and which normally applies to new entrants to the lowest graded jobs within the organisation.

2.3 REMUNERATION OF LOWEST PAID EMPLOYEES

For the purposes of this policy statement, remuneration includes the employee’s basic annual salary and any bonuses, allowances or other similar payments, benefits in kind, any increases or enhancements to any pension entitlement and any termination or other severance payments.

Pay structure

The basic pay of the Council’s lowest paid employees comprises a grade range derived from the national pay spine, as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service. This grade range consists of a number of incremental salary points, through which employees may progress until the top of the grade is reached.

Craft Employees

There are no employees on pay and conditions of service for craft employees as determined by the Joint Negotiating Committee for Local Authority Craft & Associated Employees.

Other elements of remuneration

The other elements of remuneration which it is the Council’s policy to offer its lowest paid employees are set out in the table set out in Section 4.

2.5 OTHER TERMS AND CONDITIONS

The other terms and conditions which apply to the Council’s lowest paid employees are as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, as amended and/or supplemented by any local agreements which may apply.

2.6 REMUNERATION OF EMPLOYEES WHO ARE PAID MORE THAN THE LOWEST PAID EMPLOYEES BUT WHO ARE NOT CHIEF OFFICERS

The Council's policy and practice with regard to the remuneration of employees who are paid more than its lowest paid employees but who are not Chief Officers is the same as that which applies to its lowest paid employees, other than where any differences are indicated in this policy statement.

2.7 EMPLOYEES WHO ARE PAID LESS THAN THE COUNCIL'S LOWEST PAID EMPLOYEES, AS DEFINED IN THIS PAY POLICY STATEMENT

Apprentices are paid less than the Council's lowest paid employees, as defined in this pay policy statement. The Council's Apprenticeship pay is the National Minimum Wage for the age of the Apprentice plus 10%. The Council applies a lower pay rate and/or different remuneration arrangements to this category of employees, to reflect the particular nature and/or duration/frequency of their employment at a rate above the national apprenticeship rate.

SECTION 3: PAY RELATIONSHIPS

- 3.1 This section sets out the Council's overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation, including the current pay multiple which applies within the Authority, and its policy toward maintaining or reaching a specific pay multiple in the future.
- 3.2 The Council believes that the principle of fair pay is important to the provision of high quality and well-managed services and is committed to ensuring fairness and equity in its remuneration practices. The Council's pay policies, processes and procedures are designed to ensure that pay levels are appropriately aligned with, and properly reflect, the relative demands and responsibilities of each post and the knowledge, skills and capabilities necessary to ensure that the post's duties are undertaken to the required standard, as well as taking account of relevant market considerations. This includes ensuring that there is an appropriate relationship between the pay levels of its senior managers and of all other employees.
- 3.3 Under the provisions of the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, the Council is expected to publish its "pay multiple", i.e. the ratio between the highest paid salary and median average salary of the whole of the local authority's workforce. The current pay multiple, based on earnings for the financial year ending 31 March 2015, is 1 to 5.9 – the median average salary being £16,969 and the top of the Chief Executive scale £100,263.
- 3.4 The pay multiple between the basic salary of its highest paid employee (the Chief Executive) and the lowest paid employees, as defined in this statement is 1 to 6.62 – the bottom of scale 1 being £15,144 and the top of the Chief Executive scale £100,263.
- 3.5 The Council considers that the current pay multiples, as identified above, represent an appropriate, fair and equitable internal pay relationship between the highest salary and that which applies to the rest of the workforce.

SECTION 4: POLICIES COMMON TO ALL EMPLOYEES

- 4.1 The District Council operates a transparent pay structure that reflects the relevant duties and responsibilities of each post within the organisation. The majority of the payment terms are universal and apply to all employees. The Council also recognises that it must pay additional allowances to certain individuals or groups of employees to reflect the diverse and occasionally unique nature of their duties. All departures from the universal set of allowances are justified on the basis that they enhance the effectiveness of the individual's role or seek to protect the individual on health and safety grounds (e.g. mobile telephones to support the District Council's lone worker policy).

This Section details the universal set of allowances and the current year's exceptions.

4.2 Pay Progression

Incremental progression through each grade will be automatic and applied on the 1st April each year. Employees with less than six months service in the grade by 1st April will be granted their first increment six months after their appointment, promotion or re-grading; except where their salary on the 1st April following appointment, promotion or re-grading would be less than one spinal column point in excess of the salary they would have received on that day in their old grade with the District Council, when they shall be entitled to their first increment on the 1st April.

4.3 Market Supplements

The Council recognises that pressures in the national or regional labour market can mean that pay levels for a particular category of employee in a particular function can be such that the Council's normal pay level would not be sufficiently competitive to enable it to recruit or retain an employee in that function. In that case, the Council's market supplement policy will be applied.

4.4 Local Government Pension Scheme (LGPS)

The Council offers all its employees access to the Local Government Pension Scheme, in accordance with the statutory provisions of the scheme. From 1 April 2014 the Council automatically enrolls all new employees into the pension scheme.

Any pension payments made on termination of employment either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of ill health will be made within the statutory terms of the LGPS.

The discretions which the Council is able to apply under the scheme upon termination of employment are the same for senior employees as for all other employees who are LGPS members.

4.5 Flexible Retirement

Under the Local Government Pension Scheme Regulations, an employer can consent to a reduction in an employee's hours or grade and consent to the release of pension benefits where the employee is aged 55 or over.

In all cases decisions must be based on the merits of each application and the needs of the service and not be influenced by the employee's wish for early payment of their pension scheme benefits.

The District Council's policy delegates authority to the Chief Executive to determine such cases.

4.6 Payments on Termination of Employment

Other than payments made under the LGPS, the Council's payments to employees whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policies the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and Redundancy.

Other than payments pursuant to the LGPS and Redundancy, the Council's policy is not to make any other termination payments, other than where it has received specific legal advice to the effect that a payment may be necessary to eliminate risk of claims against the Council.

4.7 Other Payments and Allowances

KEY

* - Contractual allowance, dependent upon nature of work undertaken

- available to specific category of employee

> - available to all employees in accordance with Council policy

NA - Not available

Element of Remuneration	Chief Executive/ Head of Paid Service	1 st tier	2 nd tier	Other employees
Reimbursement of removal/ relocation costs on appointment	>	>	>	>
Acting-up/additional responsibility payments	NA	>	>	>
Car provision	*	*	*	*
Mileage rates	>	>	>	>
Payment of professional subscriptions or membership fees	NA	NA	*	*
Reimbursement of subsistence or other expenses	>	>	>	>
Provision of mobile telephones	>	>	>	>
Provision of landline telephones	*	*	*	*
Election fees	>	>	>	>
TOIL Scheme	NA	>	>	>
Bonus Payments	NA	NA	NA	#

4.8 Removal/Relocation expenses

Where senior employees need to move house in order to take up an appointment with the Council, the Council will reimburse their removal, legal and other associated relocation costs in accordance with its policy, which sets maximum limits on the levels of payment. The policy requires repayment in part or in full if the employee leaves within 5 years of appointment.

4.9 Acting up/additional responsibility payments

Where employees are required to act up to a higher graded post or undertake additional responsibilities beyond those of their substantive post for a temporary period of time, they may receive an additional payment in recognition of the extra responsibilities. This policy applies to all employees.

4.10 Car Provision

The Council offers subsidised lease cars to the specific senior managers and other employees whose contract of employment classifies them as Essential Users. The Council insures the vehicle provided, but the employee is required to pay the premium and the excess should any claims be made.

The Council's annual contribution levels are:

Directors	£3,494
Pay Spinal Point 37 and above	£3,132
Pay Spinal Points 22 to 36	£2,588
Below Pay Spinal Point 22	£2,300

The leased car scheme was closed to new entrants with effect from February 2005 and the scheme will cease on 31 January 2017 when staff affected will revert to essential user status and allowances.

4.11 Mileage payments

Mileage payments are made in accordance with the National Joint Council agreed rates. These are:

	451 to 999cc	1000 to 1199cc	1200 to 1450cc
Essential Users			
Lump sum per annum	£846	£963	£1,239
Per mile first 8,500	36.9p	40.9p	50.5p
Per mile after 8,500	13.7p	14.4p	16.4p
Casual Users			
Per mile first 8,500	46.9p	52.2p	65.0p
Per mile after 8,500	13.7p	14.4p	16.4p

The mileage rate for lease vehicles is set locally according to the petrol element for 1200 to 1450cc vehicles as identified by the National Joint Council. The current rate is 11.288p

The above mileage rates have been effective from 1 April 2013, in line with the National Agreement.

4.12 Payment of professional subscriptions or membership fees

The Council pays the professional subscriptions for the following posts only:

Head of Resources (as Section 151 officer): Chartered Institute of Public Finance Accountants (CIPFA).

Solicitor: Law Society Practice Certificate

Estates & Facilities Manager: Royal Institute of Chartered Surveyors (RICS)

4.13 Reimbursement of Subsistence or Other Expenses

In accordance with the requirements of the National Conditions of Service, the Council makes provision for the reimbursement of approved expenses. The following expenses are covered by the "Reimbursement of Expenditure Scheme":

Subsistence:	Breakfast	£5.77
	Lunch	£7.80
	Tea	£3.10
	Evening Meal	£9.78

Car Parking: Fees actually incurred

Special Licences: HGV driving licence

Change in Place of Work: Compensation for additional travel incurred for a period 18 months due to a compulsory change in work place.

Certain conditions must be met for approval of reimbursement within the scheme.

4.14 Mobile Telephones

Mobile telephones are provided to the Chief Executive and to other specific employees on the basis that they are necessary for them to undertake their duties effectively and to mitigate risk in lone worker situations. The Council funds the provision of the phone and business calls. Employees are expected to pay for personal calls.

4.15 Landline Telephones

A scheme of reimbursement applies to certain officers who are required to have a landline to effectively undertake their duties.

4.16 Election Fees

The Chief Executive receives fee payments pursuant to his/her appointment as Returning Officer at elections. The fees paid in elections vary according to the size of the electorate and number of postal voters. Fee payments for all but the District Council elections are set by the relevant body, and are in effect not paid by the Council, as the fees are reclaimed.

The fee for the Returning Officer therefore varies at each election. The Council has a policy of paying the maximum fee. Separate payments are made to the Deputy

Returning Officer and other members of staff who work as part of the elections team, and are commensurate with time spent undertaking election duties.

4.17 Payments for Additional Working (TOIL) Scheme

The NJC Conditions of Service make provision for employees graded up to spinal column point 28, who undertake work outside of normal working hours, to receive appropriate overtime payments. Those above point 28 are not entitled to overtime payments but are allowed to take time off in lieu.

The scheme is not available to those officers whose conditions of service are determined by the Joint National Councils for Chief Executives or Chief Officers.

4.18 Bonus Payments

No employees are eligible for bonus payments under the Joint Negotiating Committee for Local Authority Craft & Associated Employees.

SECTION 5: DECISION MAKING ON PAY

- 5.1 The Council recognises the importance of ensuring openness and transparency and high standards of corporate governance, with clear lines of accountability, in its pay decision-making processes and procedures. Any pay-related decisions must be capable of public scrutiny, be able to demonstrate proper and appropriate use of public funds and ensure value for money. The arrangements adopted by the Council are designed to reflect these requirements, as well as ensuring compliance with all relevant legislation and other statutory regulation.
- 5.2 Any proposal to offer a new chief officer appointment on terms and conditions which include a total remuneration package of *£100,000 or more*, including salary, bonuses, fees or allowances which would routinely be payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment will be referred to the full Council for approval before any such appointment is advertised or before any such offer is made to a particular candidate.

SECTION 6: AMENDMENTS TO THIS PAY POLICY STATEMENT

- 6.1 This pay policy statement relates to the financial year 2016/17.
- 6.2 The Council may agree any amendments to this pay policy statement during the financial year to which it relates.

SECTION 7: PUBLICATION OF AND ACCESS TO INFORMATION

- 7.1 The Council will publish this pay policy statement on its website at www.derbyshiredales.gov.uk as soon as is reasonably practicable after it has been approved by the Council. Any subsequent amendments to this pay policy statement made during the financial year to which it relates will also be similarly published.
- 7.2 The information required to be published by the Council in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the

Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, and in accordance with the requirements of the Accounts and Audit (Amendment No. 2) (England) Regulations 2009, as referred to/set out in this pay policy statement, is also available on its website.

- 7.3 For further information about this pay policy statement please contact the Council's Human Resource Section on: 01629 761364 or 01629 761155, or by e-mailing humanresources@derbyshiredales.gov.uk

COUNCIL
28 JANUARY 2016

Report of the Head of Corporate Services

MEMBERS' ALLOWANCES – RECRUITMENT OF INDEPENDENT REMUNERATION PANEL

SUMMARY

This report recommends an extension of the temporary appointment of three members of the Independent Remuneration Panel.

RECOMMENDATION

That the term of office of the following temporary members of the Independent Remuneration Panel be extended for a further period expiring 31 December 2016– Ian Orford, Roger Tebb, and Patricia Boyle.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

Not applicable

1. REPORT

- 1.1** At its July and September meetings, the Council appointed three independent persons to form an Independent Remuneration Panel (IRP) to review the Scheme of Members' Allowances. The three temporary members' term of office was for a period not exceeding six months which is now close to expiry.
- 1.2** The Council considered the Independent Panel's report on a Scheme of Allowances at a special meeting earlier this month and agreed to review the role of Member Champions at a later date. To achieve this, the Council will need to have regard to the recommendations of the Independent Remuneration Panel. It is also considered good practice to have periodic reviews of the Scheme of Allowances to ensure consistency and continual relevance.
- 1.3** The term of office for the three temporary members of the Panel is therefore recommended to be extended for a period to expire on 31 December 2016. During which time, steps will be taken to formally to advertise permanent recruitment to the Panel. The three temporary members are entitled to apply.

2. RISK ASSESSMENT

Legal

The scheme of Members' Allowances is made in accordance with Section 99 of the Local Government Act 2000 and the Local Authority (Members Allowances) (England) Regulations 2003. The extension of time and ultimate recruitment process as described meets with the requirements and the legal risk is therefore low.

Financial

Members of the Panel are entitled to an allowance whilst undertaking work as members of the IRP. The cost can be met from existing budgets, therefore the financial risk is low.

3. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, environmental, climate change, health, and human rights.

4. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services Tel. 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk

5. LIST OF BACKGROUND PAPERS

None

COUNCIL

28 JANUARY 2016

Report of the Head of Corporate Services

AMENDMENT TO SCHEME OF DELEGATION AND APPOINTMENT TO AN OUTSIDE BODY

SUMMARY

This report invites the Council to approve amendments to the Scheme of Officer Delegation and representation on an outside body.

RECOMMENDATION

1. That the Head of Corporate Services be delegated authority to act as Deputy Electoral Registration Officer and ultimately Deputy Acting Returning Officer for any election called under a parliamentary franchise and legislation.
2. That Councillor Mrs Jean Monks be appointed to serve as the District Council's representative on the Sheffield City Region Transport Committee until the next Annual Meeting of the Council.

WARDS AFFECTED

All Wards

STRATEGIC LINK

Not applicable.

1 SCHEME OF OFFICER DELEGATION

1.1 Section 101 of the Local Government Act 1972 enables the delegation of decisions to employees of the Council. The role of Electoral Registration Officer (ERO) rests with the Chief Executive and the primary responsibility of that role is to compile the register of electors. Under the Representation of the People Act 1983, the ERO also becomes automatically, the Acting Returning Officer for all elections held under a UK Parliamentary franchise for example UK General Elections or UK Referendum. Currently no arrangements currently exist for an officer to act as formal deputy. Given the uncertainty as to the timing of the EU Referendum on the UK's continuing membership of the European Union, it is considered that contingency arrangements should be put in place. It is therefore recommended that the Council delegates authority to the Head of Corporate Services to act in the absence of the ERO as formal deputy, including the role of Deputy Acting Returning Officer.

2. APPOINTMENT TO OUTSIDE BODIES

The Council appointed Councillor Lewis Rose OBE as its representative on the Sheffield City Region Transport Committee at its Annual Meeting in May 2015.

Councillor Rose wishes to stand down from that position given his other considerable commitments. Councillor Jean Monks is recommended to take Councillor Rose's place to serve until the next Annual Meeting of the Council.

2 RISK ASSESSMENT

2.1 Legal

Section 24(3) of the Representation of the People Act 1983 applies to the proposals within the report relating to delegation. The legal risk is low.

2.2 Financial

There are no financial considerations arising from this report. The financial risk is therefore low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services. Tel. 01629 761281 email Sandra.lamb@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None