

**A MEETING OF THE
BOROUGH OF TELFORD & WREKIN**

Will be held at The Place, Oakengates, Telford TF2 6ET

on THURSDAY, 26 NOVEMBER 2015 at 6.30 pm

**All Members are summoned to attend for the transaction
of the under mentioned business**



Assistant Director: Law, Democracy & People Services

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a disclosable pecuniary interest and should leave the room prior to commencement of that item

3. MINUTES OF THE COUNCIL

To confirm the minutes of the Ordinary and Extraordinary Meetings of the Council held on 1 October 2015

**Appendix A
White
Pages 7-15**

4. LEADER'S REPORT & ANNOUNCEMENTS

The Leader of the Council may give an oral report on matters of significance to the Borough, comment upon the Cabinet decisions or make any announcements.

Announcement

Members of the Telford & Wrekin Fairtrade Alliance will present to the Council the Certificate of Fairtrade Status from the Fairtrade Foundation.

5. MAYOR'S ANNOUNCEMENTS

To note the Mayoral Engagements undertaken since the Council meeting held on 1 October 2015.

**Appendix B
White
Pages 16-19**

6. PUBLIC QUESTIONS

To receive any questions from the public which have been submitted under Council Procedure Rules 7.11 and 7.12. The session will last no more than 15 minutes with a maximum of 2 minutes allowed for each question and answer. Questions can be asked of The Leader and Cabinet Members.

None received.

7. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL

To receive the report on the Cabinet decisions made since publication of the last Council meeting agenda. Cabinet Members may speak on these decisions and Members may ask questions of the relevant Cabinet Member for the purposes of clarification only. Members are asked to note the additional delegations to officers granted at those meetings.

**Appendix C
White
Pages 20-22**

8. RECOMMENDATIONS FROM CABINET

Cabinet – 15 October 2015

(i) Financial Management 2015/16

Recommended - that the changes to the Capital Programme shown in Section 1 of the report be approved.

**Appendix D
Yellow
Pages 23-25**

(ii) West Midlands Rail Governance

Appendix E
Yellow
Pages 26-31

Recommended - that Councillor Kuldip Sahota be appointed as a Director of WMR Ltd and that Councillor Angela McClements will attend as his substitute if he is unable to attend any Board meetings, and note that in this role they will be authorised to make decisions in this capacity relating to the strategic direction for the new West Midlands Rail Franchise

Cabinet – 12 November 2015

Appendix F
Yellow
Pages 32-35

(iii) Property Investment Portfolio – Investing in Telford’s Growth

Recommended – that the approval of necessary changes to the in-year (2015/16) budget framework to enable the strategy detailed in the report to be used in this financial year to facilitate the ongoing rationalisation and expansion of the PIP, as outlined in the report, be approved

Recommended - that the necessary changes to the capital programme and revenue budget from 2015/16 to facilitate the ongoing rationalisation and expansion of the PIP as outlined in the report be approved

9. RECOMMENDATIONS FROM BOARDS & COMMITTEES

Audit Committee

At its meeting held on 15 September 2015, the Audit Committee made the following recommendation to Council.

Audit Committee Annual Report 2014/15

Appendix G
Green
Pages 36-40

Recommended – that Members note the contents of the annual report 2014/15.

Licensing Committee

At its meeting held on 14 October 2015, the Licensing Committee made the following recommendations to Council.

Review of the Council’s Statement of Licencing Policy

Appendix H
Green
Pages 41-89

Recommended – that the revised Statement of Licensing Policy be approved.

Review of the Gambling Act 2005 - Statement of Licencing Principles

Appendix I
Green
Pages 90-135

Recommended – that the amendments made to the Statement of Licensing Principles, following a consultation exercise which ended on 14 September 2015, be approved.

- 10. ANNUAL SCRUTINY REPORT** **Appendix J
White
Pages 136-155**
- Cllr S A W Reynolds, Chair of Scrutiny Management Board, will present the Annual Scrutiny Report
- 11. MINUTES OF BOARDS & COMMITTEES** **Salmon Paper**
- To note the following resolved and draft Minutes:
- Audit Committee – 15 September 2015 **Appendix K
Pages 156-167**
- Customer, Community & Partnership Scrutiny Committee – 30 June 2015 **Appendix L
Pages 168-176**
- Health & Adult Care Scrutiny Committee – 2 July 2015 **Appendix M
Pages 177-188**
- Health & Wellbeing Board – 9 September 2015 **Appendix N
Pages 189-198**
- Planning Committee – 16 September, 7 and 28 October 2015 **Appendix 01-3
Pages 199-223**
- Scrutiny Management Board – 10 July 2015 **Appendix P
Pages 224-233**
- 12. QUESTIONS**
- To answer questions received under Council Procedure Rule 7.
- N.B. *In accordance with the provisions of Council Procedure Rule 7.4 there will be a maximum of 30 minutes allowed for questions and answers. Any question not answered within the 30 minute time limit will receive a written reply within 5 working days.***
- 13. NOTICES OF MOTION**
- (i) Councillor P J Scott will move, in accordance with Council Procedure Rule 8, the following Motion.
- "Over the next few years Telford & Wrekin Council has to make further cuts of around £30 million. The residents of the borough will be looking to all members to get the best value for their area whilst bearing in mind that reductions in some services are inevitable. This is a time for party politics to be set aside as we should all be working as closely as possible together. It is time to forget about cheap points scoring and concentrate on what is best for the whole borough therefore we call upon all members from all parties to form closer working links through what will be financially a difficult time.
- Therefore, the Liberal Democrat and Independent Party call on all members of TWC regardless of political persuasion to resolve to put

aside all political differences over the coming weeks and months to show the residents of Telford & Wrekin that we can work as one when circumstances demand unity.”

Councillor W L Tomlinson will second the motion.

- (ii) Councillor L D Carter will move, in accordance with Council Procedure Rule 8, the following Motion:

“Since 2010 this Council has seen a cut of 50% to the grant it receives from Government, meaning that £80 million less is now being spent on local services in Telford and Wrekin year on year than it was in 2010. As a result, enormous pressure has been heaped on already stretched local services with the Government’s failure to fully assess and understand the impact of their cuts to grants when making spending decisions to local authorities.

We have reduced our senior management posts by 50%, with a real terms pay cut of 25%; a 35% reduction in middle management; a £7million per annum reduction in back office costs and £2million per annum savings in reduced accommodation costs. Over 1200 posts have been cut saving over £20million per annum.

In addition, through our ‘Business Winning, Business Supporting’ Agenda, we now enjoy record levels of income from Business Rates, Council Tax and Sales Ledger activity. Despite this, forecasts indicate that the Government will reduce the level of its grant given to this Council by a further £11 million per annum, meaning that by 2018 there will £113 million less spent on local services year on year than there was in 2010.

The abject failure of this Government to support local authorities runs the risk of causing an existential crisis in many services currently used and funded by the local taxpayers. This Council therefore demands that the Government urgently reviews its current policy on funding for Local Government and provides fairer funding for Telford & Wrekin. **Cuts do have consequences** and we call on both our MPs for Telford and The Wrekin to wholeheartedly support us in lobbying Government so that we can continue to protect frontline services.”

Councillor A R H England will second the motion.

KEY

Yellow paper	Recommendations from Cabinet to Full Council
White Paper	Reports submitted direct to Full Council
Green Paper	Recommendations from Committees, Boards and Commissions requiring approval by Full Council
Salmon Paper	Resolved minutes for noting only

FILMING, RECORDING & PHOTOGRAPHY

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. Full details of the Council's protocol on audio/visual recording and photography at meetings can be accessed via the following link:

http://www.telford.gov.uk/info/20243/council_meetings/365/filming_photography_recording_and_use_of_social_networking_at_meetings

PUBLIC QUESTIONS

At each Ordinary meeting of the Council a period of **15 minutes** will be allocated for public questions. Questions can be asked of The Leader and Cabinet Members. Details of the protocol for public questions can be accessed via the following link:

http://www.telford.gov.uk/info/20243/council_meetings/364/public_questions_at_council_meetings

BOROUGH OF TELFORD & WREKIN

Minutes of an Extraordinary Meeting of the Borough of Telford & Wrekin held on Thursday 1 October 2015 at 6.00pm at Telford College of Arts & Technology, Haybridge Road, Telford

PRESENT:

Councillors J.C. Ashford, S.L. Barnes, S. Bentley, K.T. Blundell, M. Boylan, A.J. Burford, S.P. Burrell, L.D. Carter, E.A. Clare, G.H. Cook, N.A. Dugmore, A.J. Eade, A.R.H. England, N.A.M. England, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, C.A. Furnival, E.J. Greenaway, K.R. Guy, M.B. Hosken, J. Jones, R.T. Kiernan, A. Lawrence, N.C. Lowery, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, L.A. Murray (Mayor), R.A. Overton, J. Pinter, G.C.W. Reynolds, S.A.W. Reynolds, S.J. Reynolds, H. Rhodes, K.S. Sahota (Leader), P.J. Scott, J.M. Seymour, R.J. Sloan, C.F. Smith (Speaker), M.J. Smith, B.D. Tillotson, K.L. Tomlinson, W.L. Tomlinson, C.R. Turley, P.R. Watling and D.G. Wright.

33. APOLOGIES FOR ABSENCE

Councillors E.J. Carter, S. Davies, R.C. Evans, J. Loveridge and T.J. Nelson

34. DECLARATIONS OF INTEREST

None declared.

35. EDUCATION POLICY

In accordance with the Constitution, five members of the Councils had submitted a request to the Speaker to arrange an urgent extraordinary public meeting of the Council with a single item of business – a motion relating to Education Policy in the Borough as set out in the agenda papers.

The Speaker reported that he had agreed to a request for the proposer of the Motion to be varied from that printed on the agenda papers, and that the Conservative Group Leader be allowed to respond to the debate on the Motion instead of the proposer.

Councillor S.P. Burrell moved the following motion:

“This Council expresses its deep concern and censure of the authority’s Cabinet leadership with regards to Education policy, provision and achievement following the announcement of the fifth school to be placed into special measures during the course of this year alone”.

The motion was seconded by Councillor M.B. Hosken.

In supporting the motion, Councillor Burrell and other main Opposition Group members referred to the concerns regarding the performance of some secondary schools in the Borough – particularly those associated with the Telford Co-operative

Multi-Academy Trust (TCMAT). It was considered that many of the failings stemmed from the top, and there could be no confidence among parents in the current system and the leadership of the Cabinet Member for Children & Young People. The situation was totally unacceptable, and the standard of secondary education needed to improve to give young people in the Borough a chance to succeed.

A number of Members spoke against the motion and referred to the damage done by Ofsted inspectors as a result of changes in the rules for the school inspection process. It was pointed out that most of the schools in special measures were academies and therefore outside the Council's control or powers. The Cabinet Member for Children & Young People expressed his disappointment with the motion, and updated Members on the new sponsor in place for the former TCMAT schools and the support the Council was providing for Charlton School.

Councillor A.J. Eade responded to the debate on behalf of Councillor Burrell.

A vote on the motion was taken, which resulted in the motion being lost (21 for, 28 against).

The meeting ended at 6.32 pm.

Mayor:

Date:

BOROUGH OF TELFORD & WREKIN

Minutes of the Meeting of the Borough of Telford & Wrekin held on Thursday 1 October 2015 at 6.35pm at Telford College of Arts & Technology, Wellington, Telford

PRESENT:

Councillors J.C. Ashford, S.L. Barnes, S. Bentley, K.T. Blundell, M. Boylan, A.J. Burford, S.P. Burrell, L.D. Carter, E.A. Clare, G.H. Cook, N.A. Dugmore, A.J. Eade, A.R.H. England, N.A.M. England, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, C.A. Furnival, E.J. Greenaway, K.R. Guy, M.B. Hosken, J. Jones, R.T. Kiernan, A. Lawrence, N.C. Lowery, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, L.A. Murray (Mayor), R.A. Overton, J. Pinter, G.C.W. Reynolds, S.A.W. Reynolds, S.J. Reynolds, H. Rhodes, K.S. Sahota (Leader), P.J. Scott, J.M. Seymour, R.J. Sloan, C.F. Smith (Speaker), M.J. Smith, B.D. Tillotson, K.L. Tomlinson, W.L. Tomlinson, C.R. Turley, P.R. Watling and D.G. Wright

33. MINUTES OF THE COUNCIL

RESOLVED – that the minutes of the Council Meeting held on 9 July 2015 be confirmed and signed by the Mayor.

34. APOLOGIES FOR ABSENCE

Councillors E.J. Carter, S. Davies, R.C. Evans, J. Loveridge and T.J. Nelson

35. DECLARATIONS OF INTEREST

Councillor A.R.H. England declared a personal interest in agenda item 8(ii) – Youth Justice Plan – in relation to his role as a JP in the Youth Court.

36. LEADER'S REPORT & ANNOUNCEMENTS

(i) Telford Street Pastors

The Leader welcomed representatives from the Telford Street Pastors, and presented them with an Excellence in the Community award in recognition of their invaluable and inspiring work within the Borough. They began working in the night time economy of Telford on 1 July 2011, and had provided help and support to thousands of young people. Working closely with partners in the Council and Police, they had made a significant contribution to reducing night-time crime and anti-social behaviour in the areas of the Borough where they had worked. Rev K Osmund-Smith, on behalf of Telford Street Pastors, thanked the Council and other partners for their support.

(ii) Telford Fairtrade Alliance

The Leader invited Cllr V A Fletcher to inform the Council about the work of the Telford Fairtrade Alliance. Cllr Fletcher was pleased to announce that the Borough had recently obtained Fairtrade Status, and thanked all those who had worked on the application. She hoped Members would continue to support the work of the Alliance, and in particular the next 'Fairtrade Fortnight' in February/March 2016.

(iii) NHS Future Fit Programme

The Leader provided Members with an update on the NHS Future Fit programme following an announcement from the local NHS bodies earlier that afternoon. They had decided not to progress to consultation on any future hospital reconfiguration until more had been done to address the current financial deficit at the Hospital Trust. The Leader stated that it was hard to understand why the Future Fit process had been allowed to go so far without taking account of the ability of the Hospital Trust to fund any proposals. There was still concern that, despite the delay, the downgrading of the Princess Royal Hospital (PRH) in terms of A&E and other services remained a very real possibility. The Leader stated that the Council would continue to fight for the retention of full 24 hour A&E services at PRH, and that everyone should remain vigilant. Councillor A J Eade (Conservative Group Leader) and Cllr W L Tomlinson (Liberal Democrat/Independent Group Leader) added their concerns at the delay in the Future Fit process and the continuing uncertainty for local people and hospital staff. They reiterated the support of their Groups in the campaign to retain 24 hour emergency cover at the PRH.

(iv) Other matters

The Leader reported on the financial challenges facing the Council, and that in the lead-up to the next budget there would be conversations with residents and partners about the way forward and how to address funding shortfalls. Progress was well under way on the construction of the initial 132 houses in the Council's 'Nuplace' housing project, and there had been over a thousand expressions of interest already for these rented homes. The current stabilisation work in the Ironbridge Gorge was nearing completion, although another £60m was needed for further works to protect this important site. The Leader also referred to the recent consultation on the draft Local Plan, and thanked all those who had taken part and submitted comments.

37. MAYOR'S ANNOUNCEMENTS

The Mayor reported on a number of engagements that he had attended since the last meeting of the Council, including visits to local schools and further education establishments.

His charity launch event was held on 22 September 2015, and he thanked all those Members who attended. £1090 was raised at the event for his charities for this year – Samaritans, Multiple Sclerosis Society and Wellington Cottage Care.

38. PUBLIC QUESTIONS

The following questions from the public had been submitted in accordance with Council Procedure Rules 7.11 and 7.12:

(i) Thomas Hoof, a local resident and Parish Councillor, asked Councillor K S Sahota, the Leader of the Council:

"Has the Leader of Telford & Wrekin Council, or any member of his cabinet attended any meetings relating to Combined Authorities, more specifically any meeting relating to the West Midlands Combined Authority or West Midlands "Super Council" and if so who?"

The Leader replied that neither he nor any Cabinet members had attended any formal or informal meetings with the prospective West Midlands Combined Authority. The Council had its own Devolution Deal that it had already submitted to Government, but this could benefit in economic terms with being linked to the Midlands "Engine for Growth". It was about getting the best for the Borough and its residents in terms of jobs and growth, and Cabinet would be discussing a proposal at its meeting on 8 October to seek associate membership of the Combined Authority. Under such an arrangement, the Borough would not come under the control of an Elected Mayor for the West Midlands, and would remain free to work with other partners in the Marches Local Enterprise Partnership etc.

(ii) The Speaker reported that Lucy Allan, Member of Parliament for Telford, had submitted a question for the Leader of the Council, but had been in touch earlier that day to say she was not able to get to the meeting and therefore had asked for her question to be withdrawn. Nevertheless, he had requested the Leader to send the MP a written response to her question.

(iii) Fiona Hunter, Director, Clifton Community Arts Centre Ltd, asked Councillor E A Clare, Cabinet Member: Leisure Services & Culture:

"Does the Council support and endorse the creation of a significant Arts-based complex within the borough to provide a community-run facility for all sections of the population and to provide a wider range of programming, involvement, training and educational facilities than currently exists?"

The Cabinet Member replied that she could not currently say whether the Council could endorse or support such a facility. There were already a wealth of cultural facilities and activities in the Borough, and the Council did not have the money to provide any significant financial assistance. However, Council Leisure Officers were very happy to help explore any ideas or initiatives with local people/groups. The Council was about to embark on a Cultural Strategy, and would be consulting widely with local groups and the public.

39. CABINET DECISIONS MADE SINCE THE LAST MEETING OF THE COUNCIL

Members received the report on the Cabinet decisions made since the last meeting of the Council.

Telford & Wrekin Local Plan

In response to a question from Councillor N A Dugmore, Councillor R A Overton, Cabinet Member: Housing, Public Health & Protection clarified that the Council's new proposed 'Green Guarantee' initiative would be about protecting locally important green spaces which had value to local communities. Within a planning context, these spaces were not to be confused with green-field sites that might be subject to development proposals.

The additional delegations to Officers granted at the 23 July and 17 September 2015 Cabinet meetings were noted.

40. RECOMMENDATIONS FROM CABINET

i) Financial Management 2015/16

Councillor L D Carter, Cabinet Member: Council Finance & Service Delivery, presented the report of the Assistant Director: Finance, Audit & Information Governance, which provided an update on progress relating to the Capital Programme. There were some new capital allocations, virements and slippage which required formal approval by Full Council.

RESOLVED – that the changes to the Capital Programme, as shown in paragraph 1.2 of the report, be approved.

ii) Youth Justice Plan 2015/16

Councillor P R Watling, Cabinet Member: Children, Young People and Families, presented the proposed Youth Justice Plan for 2015/16, which required formal approval by Full Council.

The Youth Justice Plan was a statutory document that set out how youth justice services across West Mercia (Herefordshire, Shropshire, Telford & Wrekin & Worcestershire) were to be structured, provided and funded. It identified a number of priorities, and key actions to address risks to service delivery and improvement. The Plan identified four main priorities for 2015/16 – improving performance and developing practice, understanding young people, improved joint working and integration, and governance & communication.

RESOLVED – that the Youth Justice Plan 2015/16 be approved.

41. MINUTES OF BOARDS & COMMITTEES

Council noted the resolved and draft minutes of the following Boards and Committees:

Audit Committee	30 th June 2015
Health & Wellbeing Board	10 th June 2015
Licensing Committee	9 th June 2015
Planning Committee	24 th June, 15 th July, 5 th August and 25 th August

42. QUESTIONS

The following Questions were asked in accordance with Council Procedure Rule 7:

1 Councillor Peter Scott asked Councillor Angela McClements, Cabinet Member: Communities, Regeneration & Transport, the following question:

"Newport has a rising population of school students who are using the main Telford & Wrekin car parks for most of the day which results in fewer spaces for shoppers, workers and tourists. Most days especially during term time, the car parks are full by 9am and remain so until after 4pm. The issue gets worse as time goes by with residential streets also being used for school parking. Can the Member for Communities, Regeneration and Transport offer any assistance in helping us deal with this problem? "

Councillor McClements replied that the Council was working with Newport Town Council to look at different options for addressing this issue – for example, the possibility of splitting the car parks into long and short stay areas. In response to a further question from Councillor Scott, she confirmed that a meeting with the Heads of the secondary schools in Newport would be held in the next few weeks to see if any school-led solutions could be found.

2 Councillor Peter Scott asked Councillor Richard Overton, Deputy Leader and Cabinet Member: Housing, Public Health & Protection, the following question:

"I have noted and welcomed the planned 10 hectares of employment land in the Newport area as part of the draft Local Plan. Having a land allocation is only the first step to attracting new employers to our town. Can you confirm that the Newport area will get at least the same emphasis with prospective businesses moving to the Borough as other current established employment zones?"

Councillor Overton referred to the new Enterprise Area designation for the Borough, which was not limited to specific sites and would apply to all areas of the Borough, including Newport. Through 'Enterprise Telford', the Council would be working with existing and prospective employers to attract further investment and growth.

3 Councillor Andrew Eade will ask the following question of Councillor Kuldip Sahota, Leader of the Council.

“Does Councillor Sahota welcome the change of Leadership of the Labour Party and what, if any, effect does he think that it will have on the future of the Borough?”

Councillor Sahota replied that he welcomed the new Leader of the Labour Party and would be working with him. In response to a further question regarding education policy, he stated that the Labour Party would be following its published manifesto.

43. NOTICES OF MOTION

- (i) Councillor A J Eade moved, in accordance with Council procedure rule 8, the following motion:

“This Council notes with concern the Labour Administration’s refusal to adopt the Community Infrastructure Levy (CIL) in February 2012 which has prevented the Authority from raising money from Developers to pay for secondary school provision across the Borough over a number of years.

The adoption of the CIL will also: -

- deliver additional funding for T&W to carry out a wide range of infrastructure projects that support growth and benefit the local community.
- give the local community flexibility and freedom to set their own priorities for what the money should be spent on.
- ensure greater transparency for local people who will be able to understand how new development is contributing to their community
- enable local authorities to allocate a share of the levy raised in a neighbourhood to deliver infrastructure the neighbourhood wants.

Consequently this Council resolves to instruct that a report on adoption of the CIL is presented to Cabinet as a matter of urgency.”

The motion was seconded by Councillor S Bentley.

The Speaker ruled that this matter came within the remit of the Leader and Cabinet, and the motion would be referred directly to Cabinet for consideration without discussion.

- (ii) Councillor A D McClements moved in accordance with Council Procedure Rule 8, the following Motion:

“Since the Government announcement that they will support 20,000 Syrian refugees, this Council, together with other councils across the country, have responded by saying we wish to play our part by offering support for refugees fleeing the Syrian war zone.

“However, we note with concern that the Government will only currently fund councils for the first year and expect those councils to fund a further 4 years. We therefore welcome the Local Government Association’s (LGA) stance on lobbying Government on behalf of all councils, in asking Government to recognise the long-term impact of resettling Syrian refugees in communities and urging them to make a

firm commitment to make long term funding available to councils. We feel that it is not right or fair to local council tax payers that this Council should be expected to pick up the tab.

This Council therefore calls upon the Government to fully fund Councils like Telford and Wrekin who wish to help and respond to this humanitarian crisis.”

Councillor R J Sloan seconded the motion.

A number of Members spoke in favour of the motion, although the Conservative Group Leader believed that, while the Borough should take in its fair share of refugees, the motion was premature because it was not yet known to what extent the Borough would be asked to provide support. In replying to the debate, Councillor McClements stated that this decision needed to be taken tonight so the Council’s voice could be added to those of other authorities in lobbying the Government.

Upon being put to the vote, it was

RESOLVED - that the motion be approved.

The meeting ended at 7.42 pm.

Mayor:

Date:

MAYORAL ENGAGEMENTS
16 September 2015 to 16 November 2015

September	16	M	Citizenship Ceremony at Register Office, Wellington Civic & Leisure Centre, Wellington
	17	M	TTC Group Driver Protect Launch Event at TTC Group PLC, Hadley Park East, Telford
	18	M	Sanctuary Housing Healthy Lifestyle Walk at Hartshorne Court, Burton Street, Dawley
	19	M	World Heritage Festival, Ironbridge
	20	M	Mayor of Wem Civic Service at St Peter & St Paul's Church, Wem
	21	M	Senior Citizen's Forum AGM at The Place, Oakengates Theatre
	22	M	Mayor's Charity Launch at Wellington Cottage Care Trust, Haygate Road, Wellington
		DM	Your Army Presentation & Reception at Lilleshall National Sports Centre, Nr Newport
	23	M	University of Wolverhampton Graduation Ceremony at Wolverhampton Grand Theatre
		DM	Lakeside South Hub Coffee Morning at Sutton Hill Children's Centre, Telford
		DM	The Rest Room Annual Party at Madeley Rest Room, Telford
	24	M	Future Focus Coffee Morning at Southwater One, Telford
	25	M	Telford & Wrekin Council Macmillan Coffee Morning at Addenbrooke House, Ironmasters Way, Telford
		M	Telford & Wrekin Foster Carers Coffee Morning at The Ramada Hotel, Forgegate, Telford

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- M** Telford & Wrekin Council Waste & Neighbourhood Services Team Coffee Morning at Granville House, Donnington
- M** Macmillan Coffee Morning at Wellington Cottage Care Trust, Haygate Road, Wellington
- M** Harper Adams University Graduation Ceremony at Harper Adams University, Newport
- M** Chancellor's Graduation Dinner at the University of Wolverhampton, Wulfruna Street, Wolverhampton
- 26** **M** Wrekin & Telford Singers Charity Concert at All Saint's Church, Wellington
- 27** **M** Battle of Britain Service at St George's Parish Church, Telford
- 30** **M** Arleston Residents Group Coffee Morning at Watling Community Centre, Arleston
- October**
- 1** **M** Odeon Cinema VIP Seats Viewing at Odeon Cinema, Foregate, Telford
- M** Night of Heritage Light, Ironbridge
- 2** **M** Official Opening of Filtermist International Ltd at Telford 54 Business Park, Nedge Hill, Telford
- 6** **M** Institute of Revenues Rating Conference Opening at Telford International Centre
- 7** **M** Institute of Revenues Rating Awards Dinner at Telford International Centre
- 9** **M** Opening of Landscape with Machines Exhibition at Coalbrookdale Gallery, Coach Road, Coalbrookdale, Telford
- 10** **M** Taste One World at Randlay Community Centre, Telford
- M** Samaritans Telford 40th Anniversary Open Day Event at Samaritans Telford, King Street, Wellington

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- 11 **M** Ellesmere Town Council Civic & Community Service at St Mary's Church, Ellesmere
- 14 **M** Citizenship Ceremony at Register Office, Wellington Civic & Leisure Centre, Wellington
- 15 **M** David Wilson Homes Doseley Park Development Opening, St Lukes Road, Doseley, Telford
- 17 **M** Wellington Town Council Civic Reception at Wrekin College, Sutherland Road, Wellington
- DM** Celebration of the Oswestry Voluntary Sector at The Wynnstay Hotel, Oswestry
- 18 **DM** Official Opening of Rodington Vineyard, Rodington Road, Sugden Lane, Telford
- 21 **DM** TADLOP Evita Musical Performance at The Place, Oakengates Theatre
- 24 **M** Jayne Sargent Foundation Autumn Ball at The Mill, Madeley Court Hotel, Telford
- 25 **M** ABF The Soldier's Charity Curry Luncheon at RAF Shawbury, Shropshire
- 28 **M** Shropshire Royal British Legion Festival of Remembrance at Theatre Severn, Shrewsbury
- 30 **M** Sanctuary Housing Skills & Talents Showcase at Hartshorne Court, Burton Street, Dawley
- November**
- 4 **M** West Midlands Ambulance Service Excellence in the Community Awards at Copthorne Hotel, Brierley Hill, Dudley
- 6 **M** St Georges Recreation Ground 50th Anniversary at St Georges Recreation Ground, Church Street, St Georges

B

- 7 M** St Georges Parish Church Annual Autumn Fair Opening at St Georges Sports & Social Club, Church Street, St Georges
- M** The Telford Priory School Open Community Day, New Road, Wrockwardine Wood
- M** Polish Community Evening at Radbrook Community Centre, Crowmere Road, Shrewsbury
- 8 M** Festival of Remembrance at The Place, Oakengates Theatre
- 9 DM** Senior Citizen's Forum at Dawley Christian Centre, High Street, Dawley
- 11 M** Armistice Day Service at Remembrance Memorial, Telford Town Park
- 13 M** Fun Fit Friday at Telford College of Arts & Technology, Haybridge Road, Wellington
- M** Chairman's Civic Heads Dinner at Davenport House, Worfield, Nr Bridgnorth
- 14 M** Sunnycroft at Night, Holyhead Road, Wellington
- M** Donnington Bonfire at Broadoaks Field, Telford
- DM** Wrekin & Telford Singers Remembrance Concert at Christ Church, Wellington
- 15 M** Performance of Bring it On at Abraham Darby Academy, Ironbridge Road, Madeley

TELFORD & WREKIN COUNCIL**COUNCIL – 26 NOVEMBER 2015****MATTERS DETERMINED BY THE CABINET****REPORT OF CABINET – FOR INFORMATION ONLY****1.0 INTRODUCTION**

This report sets out those matters determined by the Cabinet at its meetings on 8 October 2015, 15 October 2015 and 12 November 2015.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

- | | | |
|-------|-------|--|
| | 2.1 | <u>8 October 2015</u> |
| K | 2.1.1 | Telford & Wrekin's Devolution Deal and Non-Constituent Membership of the West Midlands Combined Authority (WMCA) |
| | 2.2 | <u>15 October 2015</u> |
| K/PC | 2.2.1 | 2015/16 Financial Management |
| NK | 2.2.2 | Green Guarantee |
| K | 2.2.3 | Future Delivery Arrangements for West Mercia Youth Offending Service (WMYOS) |
| K | 2.2.4 | Skills to Employment Programme |
| K | 2.2.5 | Adoption of a Telford & Wrekin Planning Enforcement Policy |
| NK | 2.2.6 | Scrap Metal Dealers Act 2013 |
| NK | 2.2.7 | Haybridge Hall, Hadley |
| NK/PC | 2.2.8 | West Midlands Rail Governance |
| | 2.3 | <u>12 November 2015</u> |
| K | 2.3.1 | Enterprise Telford – Delivering Growth & Prosperity |
| K | 2.3.2 | School Funding Formula 2016/17 |
| K | 2.3.3 | Public Health Grant Savings Proposals 2015/16 |
| K/PC | 2.3.4 | Property Investment Portfolio – Investing in Telford's Growth |

Key

K	= Key Decisions
NK	= Non-Key Decisions
E	= Exempt Items
PE	= Part Exempt Item
C	= Council
PC	= Part Recommendation to Council

3.0 DELEGATION OF POWERS GRANTED BY THE CABINET

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Telford & Wrekin's Devolution Deal and Non-Constituent Membership of the West Midlands Combined Authority (WMCA)	Managing Director	In consultation with the Leader, to negotiate and agree the terms of the Non-constituent membership, including, if he considers it appropriate, voting rights on the WMCA.
Future Delivery Arrangements for West Mercia Youth Offending Service (WMYOS)	Director of Children and Family Services	In consultation with the Cabinet Member for Children & Young People to take all steps to implement the hosting arrangement set out in the report including consulting with affected council staff on the details of the transfer to the PCC.
Scrap Metal Dealers Act 2013	Licensing Committee	In respect of the Local Authority's powers of administration and enforcement of the Scrap Metal Dealers Act 2013.
Haybridge Hall, Hadley	Assistant Director: Development, Business & Employment	To enter into the proposed grant agreement referred to in the report.
Property Investment Portfolio – Investing in Telford's Growth	<p>Assistant Director: Development, Business & Employment</p> <p>Assistant Director: Development, Business & Employment</p> <p>Assistant Director: Law, Democracy & People Services</p>	<p>In consultation with the Cabinet Member: Council Finance & Service Delivery and the Assistant Director: Finance, Audit & Information Management, to consider the business case and determine the acquisition and disposal of PIP assets.</p> <p>To undertake the acquisition and disposal of PIP assets following approval to the business case.</p> <p>To seal or sign any documents required to give effect to the resolutions above.</p>

LEGAL COMMENT FINANCIAL COMMENT LINKS WITH CORPORATE PRIORITIES RISKS AND OPPORTUNITIES ENVIRONMENTAL IMPACT EQUALITY & DIVERSITY WARD IMPLICATIONS	As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council
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TELFORD & WREKIN COUNCIL**COUNCIL – 26 NOVEMBER 2015****2015/16 FINANCIAL MANAGEMENT REPORT****REPORT OF THE ASSISTANT DIRECTOR: FINANCE, AUDIT & INFORMATION GOVERNANCE (CHIEF FINANCIAL OFFICER)****LEAD CABINET MEMBER: CLLR LEE CARTER****PART A) – SUMMARY REPORT****1.0 SUMMARY OF KEY ISSUES**

1.1 The Financial Management report to Cabinet on 15 October provided an update on progress relating to the capital programme. The report also highlighted some new capital allocations, virements, slippage and changes to capital funding which require formal approval by Full Council.

1.2 SUMMARY

The Detailed approvals required by Council are:

	2015/16 £	2016/17 £	2017/18 £	Funding
Virements				
Education & Corporate Parenting				
Building Schools for the Future	(30,000)			Grant
Development, Business & Employment				
Housing	20,000			Prudential
Asset Mgt Plan – General Works	(20,000)			Prudential
Customer Services				
ICT/eGov	30,000			Grant
Total	0			
Slippage				
Development, Business & Employment				
Commercial Investment Project	(1,763,000)	1,763,000		Prudential
Housing	(2,425,000)	2,425,000		Prudential
Adult Social Services				
ICT Social Care Review	(150,000)	150,000		Prudential
Customer Services				
ICT/eGov	(1,060,000)	280,000	780,000	Prudential
Neighbourhood & Leisure Services				
Ironbridge Gorge Stability	(1,236,144)	1,236,144		Prudential
Total	(6,634,144)	5,854,144	780,000	
New Allocations				
Development, Business & Employment				
All Other School Schemes	200,001			External
All Other School Schemes	(450)	1,764,513	1,764,513	Grant
All Other School Schemes	12,000			Revenue
Property Investment Programme	1,751,000	270,000		Prudential

Customer Services				
ICT/eGov	70,000			Revenue
Total	2,032,551	2,034,513	1,764,513	

Capital Programme Funding

£13.1m reduction to the budgeted capital receipts total, the majority of which is not likely to be received this year but will slip into later years. The funding of the capital programme will be updated to reflect this.

2.0 RECOMMENDATION

2.1 Members are asked to approve the changes to the capital programme in section 1 above.

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Delivery of all priority objectives depend on the effective use of available resources.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	The capital programme will be immediately updated to reflect the new approvals.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	Financial impacts arising from this report will be reflected in future financial management reports and built into the service and financial planning strategy for 2016/17 and beyond
LEGAL ISSUES	No	None directly arising from this report. The S151 Officer has a statutory duty to monitor income and expenditure and take action if overspends /shortfalls emerge.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	Borough Wide

4.0 PREVIOUS MINUTES

- 05/03/15 – Full Council, Service & Financial Planning Strategy
- 23/07/15 – Cabinet, 2015/16 Financial Management Report
- 15/10/15 – Cabinet, 2015/16 Financial Management Report

PART B) – ADDITIONAL INFORMATION

There is no additional information.

5.0 BACKGROUND PAPERS

2015/16 Budget Strategy / Financial Ledger reports

Report Prepared by:

Ken Clarke, Assistant Director: Finance, Audit & I.G. (C.F.O.) – 01952 383100; Pauline Harris, Finance Manager – 01952 383701

TELFORD & WREKIN COUNCIL

**CABINET – 15 OCTOBER 2015
FULL COUNCIL – 26 NOVEMBER 2015**

WEST MIDLANDS RAIL GOVERNANCE

REPORT OF ASSISTANT DIRECTOR, NEIGHBOURHOOD & CUSTOMER SERVICES

LEAD CABINET MEMBERS – CLLR KULDIP SAHOTA & CLLR ANGELA McCLEMENTS

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The purpose of this report is to approve the proposed governance arrangements for the development and oversight of the West Midlands Rail Franchise through West Midlands Rail Limited (WMR Ltd) and to approve the Council's membership of WMR Ltd and the appointment of directors to the board of WMR Ltd.

2. RECOMMENDATIONS

That Cabinet recommends to Council to;

- 2.1 Approve the proposed governance arrangements set out in this report for the development and oversight of WMR Ltd**
- 2.2 Approve the Council joining WMR Ltd as a member.**
- 2.3 Approve the appointment by the Council of Cllr Kuldip Sahota as a Director of WMR Ltd and note that Cllr Angela McClements will attend as his substitute if he is unable to attend any Board meetings and note that in this role they will be authorised to make decisions in this capacity relating to the strategic direction for the new West Midlands Rail Franchise.**
- 2.4 That Cabinet notes that it is intended that WMR Ltd will in due course enter into a formal partnership agreement with the DfT that will set out the rights and obligations of WMR Ltd in relation to the award of the new West Midlands Rail Franchise and related matters. A further report will be brought back to Cabinet in due course in this respect**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Contributes to all by improving access within the Borough and to external destinations but specifically: Protect and create jobs as a 'Business Supporting, Business Winning Council'
	Will the proposals impact on specific groups of people?	
	No	-
TARGET COMPLETION/DELIVERY DATE	Issue OJEU/PQQ - December 2015 Public Consultation - Winter 2015/Spring 2016 Publish ITT - July 2016 Contract Award - June 2017 Commence Service - October 2017	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The operating costs of West Midlands Rail (WMR) Ltd for the period 2015/16 to 2017/18, and the Authority's contribution to these costs are set out in Table 2. These costs, plus any costs associated with providing Director's Liability Insurance for Cllr's Sahota and McClements, will be met from existing transport revenue budgets. The full financial implications to TWC of the West Midlands Rail Franchise will emerge during the procurement phase (phase 1) and will be the subject of future reports. Full financial advice and support will be provided to the process and to our appointed Directors of WMR Ltd as required. JAC 160915
LEGAL ISSUES	Yes	The Council has the powers to join WMR Ltd and to appoint directors to its Board of Directors under section 1 of the Localism Act 2011. The Council's maximum liability as a member of WMR Ltd is limited to £1. However, Directors of the Company do have potential to be personally liable for actions taken in respect of their role as a Director and it is expected an indemnity will be provided by the Council and/or an insurance policy will be put into effect.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	-
IMPACT ON SPECIFIC WARDS	No	-

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 West Midlands Rail (WMR) Partner Authorities have been developing a proposal for increasing local involvement and influence over local rail services for approximately two and a half years, in line with government policy on devolution and evidenced by the benefits experienced elsewhere from local control of rail services.
- 4.2 In order for Partner Authorities to be active partners in the future management of the West Midlands Rail Franchise, the DfT requires that an appropriate governance framework is in place. This is expected to involve all Shire, Unitary and Metropolitan authorities, including the West Midlands Integrated Transport Authority (ITA) in the West Midlands Travel to Work Area. Partner Authorities expected to participate in WMR are shown in Table 1, below:

Metropolitan Authorities	Shire and Unitary Authorities
Birmingham City Council	Herefordshire Council
Coventry City Council	Northamptonshire County Council
Dudley Metropolitan Borough Council	Shropshire Council
Sandwell Metropolitan Borough Council	Staffordshire County Council
Solihull Metropolitan Borough Council	Borough of Telford & Wrekin
Walsall Metropolitan Borough Council	Warwickshire County Council
Wolverhampton City Council	Worcestershire County Council
West Midlands Integrated Transport Authority	

Table 1 WMR Partner Authorities

- 4.3 Partner Authorities are seeking greater influence and management over the West Midlands local rail network, and the Secretary of State for Transport has made a commitment to work with Partner Authorities to achieve these ends. The process for the letting of the new West Midlands Rail Franchise is now underway, and is already being developed with Partner Authorities.
- 4.5 The franchise will be let by the DfT and as such, financial and contractual risk will initially remain with central government. However, it is a longer term aspiration of the Partner Authorities that future rail franchises might be entirely devolved to local control, as is the case on Merseyside, and it is expected that during the next franchise term (2024 onwards), the options for increased devolution with transfer of funding and powers will be explored. However, any such increased devolution direct to Partner Authorities would be expected to require the approval of the Partner Authorities and, in the case of changes to WMR Ltd's expected partnership agreement with the DfT would require the approval of a 75% majority of WMR Ltd members.
- 4.6 The proposition that Partner Authorities have agreed with DfT for rail devolution in the West Midlands includes the following features:
- a) The existing London Midland franchise will split into two business units after the West Midlands Rail Franchise is let in 2017; a West Midlands Rail Local Business Unit and a West Coast Business Unit (see map in appendix A).

- b) The specification of the West Midlands Rail Franchise will be led by the DfT, with Partner Authorities having a strong involvement, including staff from West Midlands Passenger Transport Executive (Centro) on behalf of the ITA and some Partner Authority and/or Centro staff being seconded to work alongside the DfT's team on behalf of the Partner Authorities and WMR Ltd. Following franchise award, it is expected that WMR Ltd will jointly manage the franchise in partnership with the DfT. This will allow WMR Ltd to develop experience and capability in readiness for future full devolution.
- c) Partner Authorities, via WMR Ltd, will also have influence over franchises that provide core services through the region when they are retendered.

4.7 The Partnership will have two distinct phases of development:

- d) Phase 1: The period between now and the commencement of the new West Midlands Rail Franchise in 2017, during which WMR Ltd and DfT will work collaboratively on the franchise design and procurement processes although the Secretary of State for Transport will retain responsibility for letting the franchise; and
- e) Phase 2: The period following the commencement of the new West Midlands Rail Franchise, during which it is expected that the relationship between WMR and DfT will develop into a clearly governed partnership for managing the franchise.

5.0 Proposed West Midlands Rail Devolution Governance Structure

5.1 The principles that the governance is designed to achieve are:

- Effective, inclusive and transparent decision making between partner authorities
- Democratic accountability
- Robust financial management

5.2 To achieve delivery of these principles the governance structure is set out in Appendix B in the Articles of Association.

6.0 WMR Ltd Board of Directors

6.1 Each Partner Authority other than the ITA will be represented on the Board by a principal director or (in the absence of the principal director) a substitute director appointed by that Partner Authority. The ITA will in effect be represented on the Board by the appointees of the ITA's constituent councils. Each Director will have one vote at Board meetings.

6.2 The Board of WMR Ltd are to be responsible, initially, for determining the desired strategic direction, on behalf of Partner Authorities, for the specification of the new West Midlands Rail Franchise. Going forward, and subject to the agreement of each Partner Authority, the Board will oversee strategic policy matters in respect of the envisaged partnership agreement between WMR Ltd and the DfT.

7.0 West Midlands Rail Limited

- 7.1 WMR Ltd will be a separate body, acting on behalf of the ITA and Metropolitan and Shire/Unitary Partner Authorities and will be a company limited by guarantee.
- 7.2 WMR Ltd has already been formally incorporated, set-up by Centro as a dormant company in 2014 in order to preserve the availability of the company name. At the point that Partner Authorities become members of WMR Ltd, Centro will cease to be a member and upon the new directors being appointed the existing sole director will resign.
- 7.3 The rights of Partner Authorities to be consulted by the Secretary of State about the specification for rail franchises is unaffected by the existence of WMR Ltd and will remain. Similarly, powers to procure increments from the train operator will also remain, as at present. WMR Ltd is intended to provide Partner Authorities with a powerful further influence by providing a united, collegiate voice at the heart of franchise specification and management.
- 7.4 It is proposed that Partner Authorities join WMR Ltd and appoint directors to WMR Ltd's Board in advance of the LRG meeting scheduled for 4 December 2015 so that that meeting will become the first meeting of the new WMR Ltd Board of Directors.

8.0 Financial Implications

- 8.1 As previously agreed by LRG and as applied for 2015/16, funding for WMR is divided between Metropolitan districts (75%) and Shire/Unitary authorities (25%). For Metropolitan districts this funding is provided through the Centro levy. For Shire/Unitary authorities, the 25% balance is divided equally amongst the seven Partners.
- 8.2 Future funding requirements will be agreed by the WMR Ltd Board of Directors, and will be divided as described above. For the remainder of the franchise competition period, the agreed budget for 2015/16 and anticipated costs for the following two years are shown in Table 2, below:

Description	2015/16	2016/17	2017/18 (7 Months)
1. Franchise Specification	£220,000	£100,000	£0
2. DfT/WMR Agreements	£25,000	£15,000	£15,000
3. WMR Governance and Admin	£5,000	£85,000	£80,000
4. Project/Programme Support	£135,500	£136,000	£95,000
5. Contingency (10%)	£38,550	£33,600	£19,000
Total	£424,050	£369,600	£209,000

Table 2 WMR Indicative Budgets - April 2015 - October 2017

- 8.3 On the basis of the financial information in Table 2 above and the proposed split of financing between authorities, Telford & Wrekin's contribution for 15/16 was £15,144. This has been met through existing budgets. For 16/17 the contribution from Telford & Wrekin will be £13,200. The Council's contribution for 17/18 will be £7,464.
- 8.4 After the commencement of the West Midlands franchise in October 2017, the current assumption is that most WMR operating costs will be met by the DfT, and that the requirement for direct Partner Authority financial contributions should be very modest.
- 8.5 In the event that any Partner Authority were to resign from WMR Ltd. the resigning member would be required to honour its funding commitments for the duration of the applicable financial year.

9.0 PREVIOUS MINUTES

None

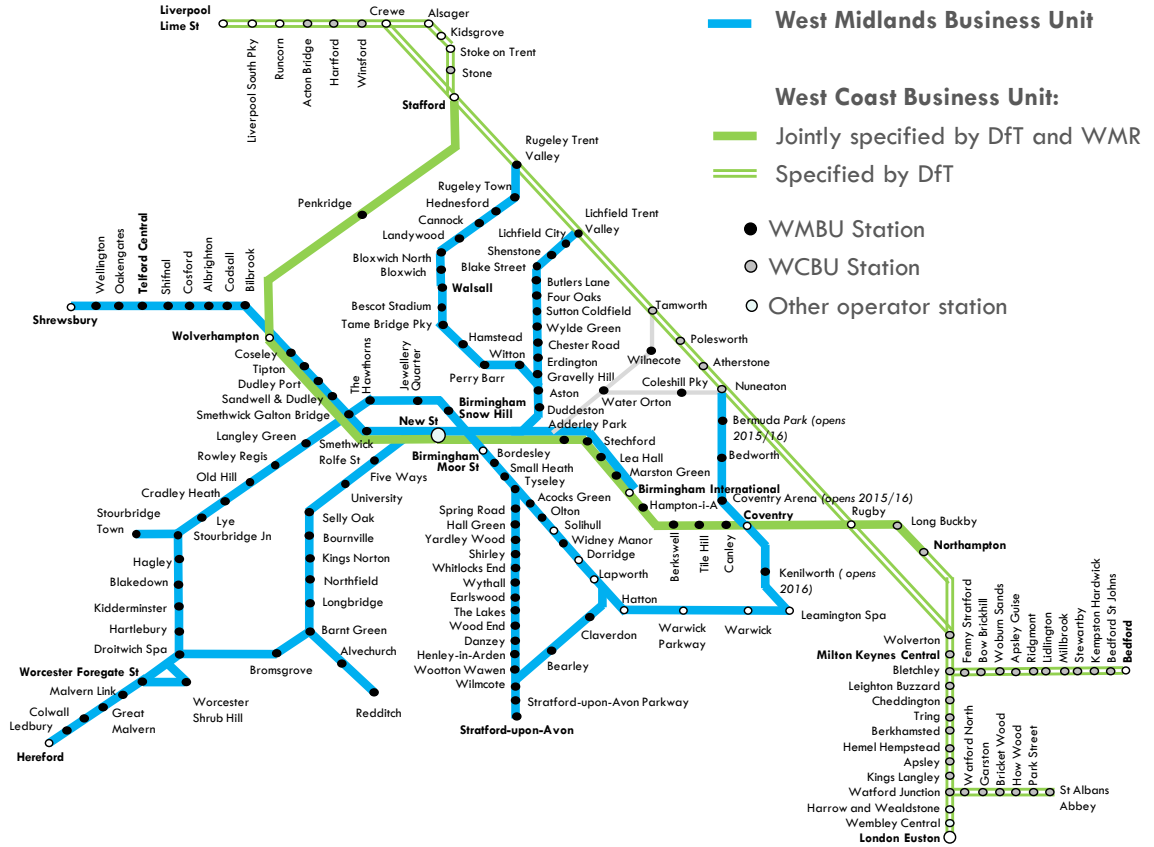
10.0 BACKGROUND PAPERS

Appendix A – WMR Schematic Map
Appendix B - Articles of Association

Report prepared by Dominic Proud, Group Manager – Transport, Strategy and Road Safety, Telephone: 01952 384697

Appendix A – WMR Schematic Map

West Midlands Franchise – Business Units



TELFORD & WREKIN COUNCIL

CABINET - 12 NOVEMBER 2015

COUNCIL - 26 NOVEMBER 2015

PROPERTY INVESTMENT PORTFOLIO – INVESTING IN TELFORD'S GROWTH

REPORT OF THE ASSISTANT DIRECTOR: DEVELOPMENT, BUSINESS & EMPLOYMENT

LEAD CABINET MEMBERS – CLLR LEE CARTER and CLLR SHAUN DAVIES

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.0 To seek approval to borrowing to establish a £20m Growth Fund to attract inward investment and deliver economic growth and revenue income, through the development of the Council's Property Investment Portfolio (PIP).

2. RECOMMENDATIONS

2.1 That Cabinet delegate authority to the Assistant Director: Development, Business & Employment, in consultation with the Assistant Director: Finance, Audit & Information and the Cabinet Member: Council Finance & Service Delivery, to consider the business case and determine the acquisition and disposal of PIP assets;

2.2 That Cabinet delegate authority to the Assistant Director: Development, Business & Employment to undertake the acquisition and disposal of PIP assets following approval to the business case as set out in 2.1;

2.3 That Cabinet recommends to Council the approval of necessary changes to the in-year (2015/16) budget framework to enable the strategy detailed in this report to be used in this financial year to facilitate the ongoing rationalisation and expansion of the PIP as outlined in this report;

2.4 That Cabinet recommends to Council the approval of necessary changes to the capital programme and revenue budget from 2015/16 to facilitate the ongoing rationalisation and expansion of the PIP as outlined in this report;

2.5 That Cabinet delegate authority to the Assistant Director: Law, Democracy & People Services to seal or sign any documents required to give effect to the recommendations contained in this report.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The proposals within this report will support the priority of protecting and creating jobs as part of a 'Business Supporting, Business Winning Council'
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/ DELIVERY DATE	The programme of PIP investment and disposals is a continual process.	
FINANCIAL/ VALUE FOR	Yes	The Property Investment Portfolio (PIP) generates revenue income of in excess of £5m for the Council which supports a range of

MONEY IMPACT		Council services. In order to secure the ongoing viability of the PIP this report seeks approval for the PIP to prudentially borrow up to a maximum of £20m to invest in and expand the portfolio and for the necessary changes to be made to the capital and revenue budget for 2015/16 to reflect this increase in borrowing. For indicative purposes the full year revenue impact of borrowing the full £20 million over 60 years (should all the borrowing be drawn down in 2015/16 and 2016/17) would be £884k although, at present, this is an unlikely scenario and the borrowing costs would be offset by additional rental income. The individual investments, including revenue borrowing costs, will be subject to approval by the Assistant Director: Development, Business and Employment and the Assistant Director for Finance, Audit & Information after consultation with the Cabinet Member for Council Finance & Service Delivery. JAC 12/10/15
LEGAL ISSUES	Yes	The Council has the power to carry out the recommendations contained within this report but has a statutory duty to obtain best consideration when disposing of property/land. In addition, the Council is also under an obligation to comply with EU procurement requirements when it awards any contracts such as the contract for construction described in this report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The opportunities and risks will be continually monitored as part of the rationalisation programme. The investment will enable inward investment and business expansions providing opportunities for job creation, regeneration and generate additional business rates
IMPACT ON SPECIFIC WARDS	No	Borough wide

PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The Council's Property Investment Portfolio (PIP) comprises a range of industrial, retail and office premises, which play a vital role in accommodating a considerable number of our local businesses. The mix of the portfolio in unit numbers is dominated by industrial premises with a smaller proportion of office and retail space.
- 4.2 The PIP also makes an important contribution to the Council's revenue budget generating a consistent income stream in excess of £5million per annum to support the delivery of Council services.
- 4.3 The PIP was originally formed from the transfer of assets from Telford Development Corporation and whilst over a number of years these assets have been bought and sold, there remains a significant proportion of assets which are of an age that means that the current income cannot be sustained in the long term without further re-investment.
- 4.4 Furthermore, whilst the demand for industrial and retail premises continues to be strong with low void rates, office premises continue to see greater voids. The higher rents and service charges associated with these office buildings means that voids have a disproportionate negative impact on the portfolio.
- 4.5 In response to this there is an ongoing disposal programme of assets which seeks to sell poor performing assets to reinvest in newer better performing sustainable investments. The PIP is self-contained and as such any capital generated from disposals is retained to be reinvested into other investments and maintain income levels. This position however requires the PIP to sell an asset before it can reinvest in another, which impacts upon the

ability to maintain the revenue income, restricts the ability to react quickly to investment opportunities that come to the market and limits the ability to grow the portfolio.

- 4.6 The Council as an authority is asset weak compared to many others and the growth of the PIP would help support the increase in its asset base.

Telford Growth Fund – Supporting Investment Opportunities

- 4.7 The Council’s ‘Business Winning’ approach, coupled with the implementation of the HCA Stewardship Agreement has resulted in significant investment into the Borough and a continuing level of interest in premises. The borough has a strong pipeline of inward investment enquiries and the Enterprise Telford pledge to business, subject to a parallel Cabinet Report, will further incentivise ‘landing’ this investment interest. The recent decision to become a non-constituent member of the WMCA also provides opportunities to attract investment in key sectors including automotive and advanced manufacturing.

- 4.8 Current investor inquiries indicate interest in leasehold schemes as well as freehold and there are opportunities for the PIP to invest in the construction of new premises with committed tenants, speculative development of industrial units to meet general market demand, investment into existing PIP premises to increase market value, acquisition of investment properties and the acquisition and development of suitable employment land. The ability to meet the range of opportunities however is currently restricted by the ability of the PIP to move quickly to commit to the scheme within the necessary timescales, given the need to raise capital from disposals first.

- 4.9 The creation of the “**Telford Growth Fund**” will allow the PIP to access borrowing up to £20million to fund further investment to deliver business growth, enable rationalisation of the PIP and increase the revenue return. The Fund will directly increase the competitiveness of the Borough’s offer to investors.

- 4.10 Set out below is an example of the potential return based upon an investment opportunity for the Council to construct a new purpose built factory for an investor which would be retained within the PIP and leased to the business. Such opportunities are coming forward on the back of the Councils work with HCA and inward investment programme.

The figures below are based upon a borrowing rate of 4% and a capital investment of £2,000,000.

Year	Rent	Repayment	Interest	Net Income
1	£120,000	£8,404	£80,000	£31,576

The income would be subject to 5 yearly rent reviews. Additionally the Authority would receive an income of some £29,000 from Business Rates per annum (rising to £58,000 if the recent changes in business rates retention come forward). It should be noted that the above does not take account of any rental growth or void periods during the investment period although such investments will only be made where the covenant strength of the business supports the investment.

Year	Rent	Repayment	Interest	Net Income
1	£1,200,000	£84,000	£800,000	£316,000

Based on this example, for indicative purposes, the potential full year net income generated from the whole £20 million investment would be £316,000 per annum.

- 4.11 In addition to the opportunities from the Business Winning approach the availability of funds would also enable the delivery of the commercial elements of the next phase of Southwater to come forward including additional hotel and retail/restaurant space.

- 4.12 The provision of the borrowing will enable short term borrowing to allow more seamless transactions in the future and give greater opportunity to manage the revenue impacts of the capital programme more efficiently. Therefore the timing of disposals can be controlled better to ensure they are sold at the optimum time.
- 4.13 As well as financial investment into new and existing assets it should also be noted that we are continuing to explore avenues to improve the return on the office assets within the portfolio. This includes exploring a range of initiatives including targeting propositions to call centre type activity and potential conversion of premises to alternative uses such as residential.
- 4.14 Opportunities to use this borrowing provision to grow the PIP will be subject to a business case which will be considered by the Assistant Director for Development, Business & Employment and Assistant Director for Finance, Audit & Information in consultation with the Cabinet Member for Finance & Service Delivery.

5 PREVIOUS MINUTES

CB-64 – 8 November 2012

6 BACKGROUND PAPERS

None

Report prepared by James Dunn, Estates & Regeneration 01952 384331

TELFORD & WREKIN COUNCIL

AUDIT COMMITTEE – 15 SEPTEMBER 2015

COUNCIL – 26 NOVEMBER 2015

AUDIT COMMITTEE ANNUAL REPORT 2014/15

JOINT REPORT OF THE SECTION 151 & THE MONITORING OFFICERS

1 PURPOSE

1.1 To present to the Council an Annual Report on the 2014/15 operations of the Audit Committee.

2 RECOMMENDATIONS

2.1 That Members note the contents of the annual report 2014/15.

3 SUMMARY

3.1 The Audit Committee is part of the Council's governance and assurance arrangements. The key benefits of the Audit Committee are:

- ✓ raising awareness on the need for and benefits arising from good governance (including risk management) and internal control including the implementation of both internal and external audit recommendations.
- ✓ demonstrating the objectivity and fairness of financial and other reporting.
- ✓ reinforcing the importance and independence of internal and external audit.
- ✓ providing additional assurance through a process of independent and objective review by a cross party group of elected Members who can, and do, challenge Cabinet Members and Senior Officers.

3.2 As the key assurance Committee of the Council it is best practice that an Annual Report is presented to the Council on the operations of the Committee during the municipal year (May 2014 – April 2015). The structure of the report is based on the terms of reference and includes a summary of the business conducted by the Committee during the period (attached as Appendix A).

3.3 There were 3 meetings of the Audit Committee in 2014/15 each with comprehensive agendas. In addition to the scheduled meetings, there is also the opportunity to call additional meetings whenever required by Members between the scheduled meetings in June, September and January.

4 PREVIOUS MINUTES

4.1 Audit Committee - 20th September 2011; 25th September 2012; 17th September 2013; 16th September 2014
Council - 24th November 2011; 22nd November 2012; 21st November 2013; 27th November 2014

5 INFORMATION – AUDIT COMMITTEE 2014/15

5.1 Internal Audit

- 5.1.1 The Internal Audit team has continued to provide the Committee with reports on work undertaken as outlined in the Public Sector Internal Audit Standards (PSIAS - effective from April 2013) and Constitution, highlighting any areas requiring attention by Members. An action plan setting out outstanding actions to ensure compliance with the Standards was presented to the January 2014 committee and updated in the annual report.
- 5.1.2 The Internal Audit Plan for 2014/15 was approved by the Committee at the June 2014 meeting and the Internal Audit Charter for 2015/16 was approved by the Committee at the January 2015 meeting.
- 5.1.3 In addition updates have been provided by the appropriate Senior Management to the Committee on the progress of audit reports in respect to:
 - a) The Abacus system review; and
 - b) Commercial projects

5.2 External Audit

- 5.2.1 The External Auditors – KPMG have made their reports to the Committee as required by legislation, accounting standards and the external audit code of practice.

5.3 Governance

- 5.3.1 The Annual Governance Statement 2013/14 was approved at the June meeting after consideration of the supporting information.
- 5.3.2 The September meeting also reviewed the Council's Strategic risk register.
- 5.3.3 The 2013/14 Information Governance annual report was presented to the Committee in June 2014. An Information Governance update report was provided for April – July 2014 at the September meeting along with the Information Governance Framework.

5.4 Treasury Management

- 5.4.1 The Committee received the annual report 2013/14, in year updates for 2014/15 and reviewed the 2015/16 strategy prior to approval by Cabinet.

5.5 Statement of Accounts 2013/14

- 5.5.1 The Statement of Accounts was approved by the Committee following external audit at the September 2014 meeting. As in previous years the approval meeting was preceded by a training session with key Finance staff who explained the statements and the changes that had occurred during 2013/14. The Statements have not yet been closed due to an outstanding elector question.
- 5.5.2 There was an update to the September 2014 meeting in respect to the Council's capital receipts position.

5.6 Anti-Fraud & Corruption

- 5.6.1 The annual report on the Anti-Fraud & Corruption Policy and Policy update was received in June 2014.
- 5.6.2 Audit Commission Fraud survey results were also presented to the Committee.

5.7 Complaints

- 5.7.1 The Committee reviewed the 2013/14 Customer Performance Feedback Report at their September meeting.

5.8 General

- 5.8.1 The Committee reviewed its Terms of Reference at its first meeting of the municipal year as set out in the Constitution with no changes required.

5.9 Conclusions for 2014/15 and the future 2015/16

- 5.9.1 The Committee has considered comprehensive agendas in order to provide assurance for Members and the community on the audit, governance (including information governance), risk management, financial statements, treasury management, complaints and anti-fraud and corruption arrangements of the Council. Many challenging questions have been asked by Members who have required senior officers to attend and give account for decisions taken and progress in implementing both internal and external audit recommendations.
- 5.9.2 The Committee recognises that the Council is continuing to experience some significant challenges and that it must continue to seek and provide appropriate assurance during 2015/16. Most notable are the organisational changes, continued significant reductions in resources and the more commercial approach being adopted by the Council.

6 OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	Internal reports to the Committee consider any appropriate equalities/diversity issues. If raised during the meeting they would be referred to the appropriate officer and if required cabinet member.
Environmental Impact	Internal reports to the Committee consider any appropriate sustainability issues. If raised during the meeting they would be referred to the appropriate officer and if required cabinet member.
Legal Implications	The work undertaken by the Audit Committee during the year 2014/15 assists in ensuring that the Council complies with the statutory requirements set out in the Accounts and Audit (England) Regulations 2011 ('the Regulations'). These set out certain requirements that the Council must adhere to in relation to matters such as risk and financial management. The Regulations were replaced on 1 st April 2015 by The Accounts and Audit Regulations 2015. Accordingly the Committee will need to comply with the requirements and responsibilities set out on the new Regulations. Officers will ensure that the new rules are taken into consideration when addressing the Committee on future work.

Links with Corporate Priorities	The Audit Committee contributes to good governance and the assurance framework. The work of the Committee links to all Council priorities.
Risks and Opportunities	<p>The Audit Committee has an assurance role in the management of the Council's risks and opportunities.</p> <p>The Chairman of the Committee is responsible for the management of the risks and opportunities associated with the committee but supported by appropriate officers.</p>
Financial Implications	The Section 151 officer has a responsibility to ensure that the council has effective internal audit arrangements in place. This report helps to demonstrate that this is the case. There are no financial implications arising from this report. The Audit Committee and support arrangements are fully funded from within existing budgets.
Ward Implications	The operations of the Audit Committee encompass all Council activities and all Council locations. Therefore all Council Wards are affected by its operations.

7 BACKGROUND PAPERS

Audit Committee Papers 2014/15 (including minutes)

Constitution

Constitution Committee, Full Council – appropriate agenda's, papers and minutes

Report by Jenny Marriott, Audit & Information Governance Manager 383101

Area	Activity
Internal Audit	Internal Audit Annual Report 2013/14 Quarter 4 2013/14 Update report Internal Audit Plan 2014/15 Update on the Abacus Audit Report Update on Commercial Projects Quarter 1 2014/15 Update report and PSIA Standards update Quarter 2 2014/15 Update report Quarter 3 2014/15 Update report Changes to Internal Audit Charter 2015/16
External Audit	External Audit Fee Letter 2014/15 Interim Visit Letter 2013/14 Grant Certification Letter 2013/14 Annual Governance Report 2013/14 Annual External Audit Letter 2013/14 External Audit Plan Letter 2014/15 Grant Report 2013/14
Governance	Annual Governance Statement (AGS) 2013/14 Half yearly progress on the 2013/14 AGS Action Plan Review of the Strategic Risk Register June 2014 Information Governance Annual Report 2013/14 Information Governance Update Report April to July 2014 & Information Governance Framework Information Governance Work programme 2014/15 Publication of Information on Councillors who Traded with the Council during 2013/14 Audit Committee Annual Report 2013/14
Treasury Management	2013/14 Annual Treasury Management Report & 2014/15 update report Draft 2015/16 Treasury Management Strategy and update 2014/15
Statement of Accounts	Draft Statement of Accounts 2013/14 Approval of the audited Statement of Accounts 2013/14 Capital receipts update September 2014
Fraud & Corruption	2013/14 Annual Report on Corporate Anti-Fraud & Corruption Policy and Policy update Audit Commission Fraud Survey Results 2013 Audit Commission/KPMG Fraud report 2013/14
Complaints	Customer Feedback Performance Report – 1 st April 2013 – 31 st March 2014
General	Terms of Reference reviewed June 2014 Outline Audit Committee Business 2014/15

Telford & Wrekin Council

**Licensing Committee – 14th October 2015
Council – 26th November 2015**

Review of the Council's Statement of Licensing Policy

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 To request that Members approve the revised Statement of Licensing Policy following a twelve week consultation with affected persons and bodies.

2. Recommendation

To recommend to Full Council that the revised Statement of Licensing Policy be approved.

3. Summary

- 3.1 The first Statement of Licensing Policy issued under the Licensing Act 2003 by this Licensing Authority, came into effect on 7th January 2005. It was revised on 7th January 2008, and an interim review revised it again on 1st December 2009. The Statement of Licensing Policy was previously reviewed every three years, but now must be reviewed every five years as a statutory requirement, and the current Statement of Licensing Policy has been in place since 7th January 2011.
- 3.2 The revised Statement of Licensing Policy which is the subject of this report, has been consulted on with persons and bodies listed in section 5(3) of the Licensing Act 2003, and will need to be approved by Full Council on 26th November 2015. The policy must take effect from 7th January 2016.

4. Previous Minutes

- 4.1 **Licensing Committee 13th October 2010 Minute No. LC-35
Borough of Telford & Wrekin 25th November 2010 Minute No. 58
Licensing Committee 9th June 2015 Minute LC-13**

5 Information

5.1 Background.

5.1.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every five years detailing how it will exercise its licensing functions under the 2003 Act.

5.1.2 The current Statement of Licensing Policy issued by this Licensing Authority came into effect on 7th January 2011 and must now be reviewed again.

5.1.3 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Home Office has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document, along with Best Practice Guidance issued by the Local Government Association (LGA) and the Licensing Policy Forum.

5.1.4 The Licensing Authority must carry out its functions, including its Statement of Licensing Policy, with a view to promoting the Licensing Objectives which are:

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

5.1.5 The majority of the proposed changes to the policy are due to changes in the law, and so some sections have been amended to reflect these changes, and other sections have been added on the following:

- Sexual Entertainment
- The Licensing Authority as a responsible authority
- Health as a responsible authority
- Early Morning Restriction Orders
- Late Night Levy
- Non-Payment of Annual Fee

The policy has also been revised in places to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.

5.1.6 Section 5 of the Licensing Act 2003 requires the Licensing Authority to consult with:

- the chief officer of police for the licensing authority's area,
- the fire authority for that area,

- each Local Health Board for an area any part of which is in the licensing authority's area
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of any part of which is in the licensing authority's area
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

In addition to the statutory consultees, the Licensing Authority has also written to all premises licence holders in the area, town and parish councils, local community organisations and national organisations inviting comments. A full list of those we have consulted with is at Appendix C of the Statement of Licensing Policy. The revised Statement of Licensing Policy was also made available at Council Offices and a copy posted on the Council's website similarly inviting comments.

5.1.7 Following the approved consultation period which ran from 22nd June 2015 until 14th September 2015, the Council received no responses to the revised Statement of Licensing Policy. The revised Statement of Licensing Policy which the Committee are being asked to approve is the same as the revised Statement of Licensing Policy which was put before the Licensing Committee on 9th June 2015, with those changes made to it which were recommended by the Licensing Committee.

5.2 Equal Opportunities

5.2.1 As described in the revised Statement of Licensing Policy and as part of the consultation process, a wide range of organisations, bodies and individuals were approached and given the opportunity to make their views known in relation to the Revised Statement.

5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of children from harm in determining any application.

5.2.3 Following the formal consultation, a Communities Impact Assessment has been carried out which is included with this report.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 The Licensing Act 2003 section 5 states that each licensing authority must in respect of each five year period determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before that date.

TS 1 October 2015

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- protect and create jobs as a 'Business Supporting, Business Winning Council'
- protect and support our vulnerable children and adults
- ensure that neighbourhoods are safe, clean and well maintained
- improve the health and wellbeing of our communities and address health inequalities

5.6 Financial Comment

5.6.1 There are no financial implications for this report

5.7 Opportunities and Risks

5.7.1 In proposing the decision to be made concerning the review of the Statement of Licensing Policy under the Licensing Act 2003 the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision have been identified and assessed and arrangements will be put in place to manage them.

5.7.3 A failure to publish the Statement of Licensing Policy by 7th January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities under s182 of the Licensing Act 2003, could give rise to challenge by way of judicial review and the associated costs involved with this. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1.1 This report has implications for all wards in the Borough.

7. Background Papers

7.1 Licensing Act 2003

7.2 Guidance issued under S.182 of the Licensing Act 2003

7.3 Telford & Wrekin Statement of Licensing Policy.

Report prepared by, Helen Owen – Licensing Technical Officer - For further information please telephone 01952 381818 or email licensing@telford.gov.uk.

Statement of Licensing Policy

January 2016



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4.5 Factors to consider



1. Introduction

Telford & Wrekin is a unique area that is being transformed at a fast pace into a major focus for world-wide industry and commerce, new technology, modern housing, quality recreational facilities and first rate education. The night-time economy of the area plays a large part in Telford's image as a dynamic, innovative and attractive place in which to live, work and relax.

The Borough covers an area of 112 square miles. Telford is the major focus of the area and includes a number of small towns which existed before the designation of the New Town in 1963, all of which have a strong character and identity of their own. Newport, a historic market town, is a main focal point for the Borough's substantial rural area.

Although Telford is a modern town, the area has a long history of pioneering industrial development. The Ironbridge Gorge which is now a World Heritage Site was at the heart of the Industrial Revolution. Belying this industrial past and present, however, Telford has an extensive "Green Network" which creates a high quality environment, but which also demands considerable resources to maintain.

Licensed entertainment makes a valuable contribution towards the continuing development of Telford and Wrekin and provides a vital boost to the local economy of the area through tourism and cultural development. However it is also recognised that such entertainment can lead to increased noise, nuisance and crime and disorder if not properly controlled.

The Licensing Authority wishes to minimise any negative impact from licensed premises on residential households whilst encouraging the economic diversity and prosperity such premises can attract.

This policy aims to integrate its objectives and aims with other initiatives, policies and strategies that will:

- encourage diversity of people and culture
- encourage arts and entertainment activities
- reduce crime and disorder
- encourage tourism
- encourage an early evening and night time economy which is viable and sustainable.
- reduce alcohol misuse
- encourage employment
- encourage the self-sufficiency of local communities
- reduce the burden of unnecessary regulation on business

The Licensing Act 2003 is not a mechanism for the control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of those responsible for managing such premises. There are a number of other mechanisms available for addressing problems away from a licensed premises. These include but are not restricted to:

- Planning control;
- Provision of CCTV surveillance in town and district centres;
- Taxi ranks and transport links to enable departure from centres;
- Powers of local authorities to deal with statutory nuisance;
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.

The aim of this policy is to find a balance between securing the safety and amenity of the residential and business communities in Telford & Wrekin while responsibly maintaining and developing entertainment and cultural facilities in the Borough.

Unless otherwise stated, any statement in this policy document will be relevant to all licensed premises in the Borough.

NB: It should be noted that this policy should be read in conjunction with the Home Office Guidance issued under section 182 of the Licensing Act 2003.

2. Purpose and scope of policy

Telford & Wrekin Council (The Licensing Authority) is the authority responsible for granting the licences and permissions required under the Licensing Act 2003 in the Telford & Wrekin area.

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs, and at temporary events. The licensable activities are;

- sale by retail of alcohol
- supply of alcohol to club members
- provision of regulated entertainment
- provision of late night refreshment (the supply of hot food and/or hot drink from any premises between 11pm and 5am).

This policy sets out how applications will be looked at and determined under the Licensing Act 2003. It also sets out the expectations of the Licensing Authority on the ways that the Licensing Authority and licensed premises can work together with other partners to improve the licensing economy of the Borough, both during the day and night. The Licensing Authority will refer to this policy if its discretion is engaged to make decisions under the Licensing Act 2003.

Under Section 5 of the Licensing Act 2003, the Licensing Authority must publish a statement of its licensing policy every five years. This policy will explain how the Licensing Authority intends to exercise its licensing functions.

This version, subject to consultation, and any required amendments, will remain in force until 2021, when it will be subject to review and further consultation as laid down by the legislation, unless such review or consultation is required in the interim.

When carrying out licensing functions the Licensing Authority will at all times take into account the four licensing objectives. These are –

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

This policy cannot detail all factors that influence the achievement of the licensing objectives, or all control measures that may be appropriate. This policy covers a wide variety of premises and associated activities including theatres, cinemas, restaurants, public houses, nightclubs, private members clubs, village halls, community centres and public open spaces, as well as shops, stores and supermarkets, off licences, late night food premises, and vehicles selling late night refreshment.

In determining this policy, the Licensing Authority will consult widely, as set out in **Appendix C**. Due consideration will be given to the views of all those who respond to the consultation process.

3. Night Time Economy and Integrated Strategies

The night-time economy encompasses a range of activities for inhabitants of and visitors to the Borough. It comprises pubs and clubs, cinemas, theatres, cafés and restaurants etc. It is supported by public transport, taxis, and many public services such as the police, council services such as cleaning, refuse collection, planning, and licensing, community safety and partners such as Street Pastors and the Town Centre Management. It also impacts upon the health service.

The growth of the night time economy as a whole has been taken into account in the revision of this policy, and in particular the continuing expansion of various areas of the Telford & Wrekin area, such as the Southwater Development.

The promotion and advancement of the night time economy will be actively pursued by partnership working, responsible retailing and management, increased training and the promotion of good practice.

3.1 Good Practice

National and local crime and health statistic evidence¹ shows that the consumption of alcohol is a significant contributory factor to levels of crime and disorder and it affects public health. Good management and practice procedures in licensed premises can and do make an important contribution to lessening that impact.

The Licensing Authority will encourage licence and certificate holders to work together to share good practice and information to help them achieve the licensing objectives.

Membership of schemes such as Pubwatch will be actively promoted and supported by both the Licensing Authority and the Police. Licence and certificate holders will also be encouraged to take into account the wide range of initiatives detailed in the various good practice guides published by trade associations and other interested bodies such as the Portman Group.

The British Beer and Pub Association (BBPA) have consolidated good practice, including good practice on combating violence in licensed premises, into a number of guides to assist the trade on the following subjects:

- Managing Safety in Bars, Clubs and Pubs
- Security in design
- Drugs and pubs
- Licensed Property Noise Control

This information and materials on responsible drinking and the Proof of Age Standards Scheme (PASS) can be downloaded or accessed from their website at www.beerandpub.com. This website also has links to a large number of other useful websites.

¹ Based on evidence from:

- a) Crime Survey for England and Wales 2014
- b) Alcohol Concern – Statistics on alcohol
- c) West Mercia Police – Joint Policing Plan 2013 - 2017
- d) Office of National Statistics: Drinking – Adults behaviour and knowledge 2009

3.2 Responsible Management

The Licensing Authority seeks to promote the responsible and professional management of premises and events by licence or certificate holders as it recognises that effective control and supervision of premises and events is a key factor in achieving all the licensing objectives.

3.3 Supervision and training

The Licensing Authority also recognises the importance of good supervision and training of both staff and management and will encourage the acquisition of qualifications from relevant accredited associations such as the British Institute of Inn Keeping Awarding Body, www.biiab.org, EDI (Educational Development International), www.ediplc.com and HABC (Highfield Awarding Body of Compliance) www.highfieldabc.com.

3.4 Partnerships and other Initiatives

The Licensing Authority is committed to working in partnership with licence and certificate holders and other relevant parties to realise its aim to make the Borough a safer place to live, work and visit.

This is part of the Council's wider corporate vision, of a community in which everyone's quality of life is improved in a responsible way, which takes account of the effects on future generations, and where no individual, family, group or area is so excluded as to be unable to participate in its economic, social, political, physical and cultural life.

Many integrating strategies may not be directly related to the promotion of the licensing objectives, but may impact, indirectly, upon them. Therefore the co-ordination and integration of policies, strategies and initiatives is vital to support and uphold the licensing objectives.

The Licensing Authority will expect to work in close partnership and to share information with the responsible authorities which are laid down in the Licensing Act 2003.

These are:

- the relevant licensing authority
- the chief officer of police
- local fire and rescue authority
- relevant enforcing authority for the Health and Safety at Work etc. Act 1974
- local authority with responsibility for environmental health
- local planning authority
- body responsible for the protection of children from harm
- local authority's Director of Public Health
- local trading standards authority

This list may be amended by the Home Office through changes to legislation.

Contact details are included in Appendix A of this policy.

The Telford & Wrekin Health & Wellbeing Board has agreed tackling the impact of alcohol as one of its priorities in the 2013-15 Health & Wellbeing Strategy. The Community Safety partnership reports to the Health & Wellbeing Board on this issue and has developed a strategy and action plan.

A number of initiatives are already underway to address the issue of excessive alcohol consumption such as campaigns to target underage drinking, reduce binge drinking and to promote sensible attitudes to alcohol.

Safer Telford & Wrekin Partnership

Under Section 5 of the Crime and Disorder Act, Crime and Reduction Partnerships were established between the Local Authority and the Police. The Safer Telford & Wrekin Partnership is responsible for the production of the Telford Alcohol Misuse and Harm Reduction Strategy. The Partnership has a number of powers under additional legislation in addressing alcohol related crime and disorder, and works with the Licensing Authority, Responsible Authorities and Night Time Economy Officers to promote the licensing objectives.

The Safer Telford & Wrekin Partnership has launched a Safer Nights programme. The programme links activities, interventions and marketing campaigns across the Partnership to prevent and raise awareness of alcohol related violent crime, and tackle anti-social behaviour in the night time economy.

The Bar-Code campaign provides key safety messages and advice to help the public to BE SAFE – BE SENSIBLE when using the entertainment facilities of the Borough.

The Safer Telford & Wrekin Partnership website can be accessed here; www.safertelford.org.uk

3.5 Liaison Group

If there is a recognised need, the Licensing Authority will form a liaison group that includes representation from responsible authorities and the community, to assess the impact of current licensable activities and the possible cumulative effect in an area. The purpose of this will be to:

- a) monitor developments in the area
- b) identify and resolve any issues within the community
- c) assess the cumulative impact of any concentration of licensed premises
- d) ensure the licensing objectives are being met
- e) ensure an up to date understanding of the legislation involved and the powers of regulatory bodies.

3.6 Alcohol Harm Reduction Strategies

The Licensing Authority supports and encourages applicants to adopt the provisions of the Telford & Wrekin Drug and Alcohol Strategy produced by the Safer Telford & Wrekin Partnership and the Government Alcohol Harm Reduction Strategy.

3.7 Portman Code of Practice

For premises where the sale or supply of alcohol takes place the Licensing Authority recommends that applicants consider adopting The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, and their Best Practice Guidelines.

3.8 Accredited proof of age cards and Challenge Schemes

The Licensing Authority supports the need for credible photographic proof of age evidence to be requested by licence holders and all other relevant employees, from any person who appears to be under 18 years of age and is seeking access to premises or seeking to purchase or consume alcohol on the premises.

Such acceptable evidence shall include a photograph of the customer, and will be either a passport, photographic driving licence, or proof of age card carrying a "PASS" (Proof of Age Standards Scheme) hologram logo.

The Licensing Authority is in favour of such schemes as Challenge 21 and Challenge 25, which are voluntary measures to challenge all persons who appear to be under 21 or 25 respectively when seeking access to premises or seeking to purchase or consume alcohol.

3.9 Integrated Strategies

There are a wide range of related legislation, and local and national policies, strategies, responsibilities and guidance documents which complement the Licensing Policy and should be taken into account when reading this policy.

The Licensing Authority acknowledges the importance of securing proper integration with other services such as:

- Police
- Fire Service
- Public Health Education Authorities
- Environmental Health
- Trading Standards
- Planning
- Transport
- Tourism
- Community Safety
- Race Equality Schemes
- Parish and Town Councils
- Licensed Trade Bodies and Organisations

Telford & Wrekin Council strategies and policies are available to view either on the Council website www.telford.gov.uk or by contacting the relevant team within the Council.

The Council's Licensing Committee will receive reports, when appropriate, on the strategic issues facing other relevant services including: -

- The needs of the local tourist economy
- The cultural strategy for the local area
- The employment situation in the area and the need for new investment and employment where appropriate
- Planning and transport.
- Impact of alcohol on the health of the residents in the borough

This policy has taken into account the Telford and Wrekin Equality and Diversity Policy and the protected characteristics; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, in its formulation.

This policy recognises that the diversity of the local community enriches the Borough, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness and access.

Applicants and licensees must have due regard to the requirements of the **Equalities Act 2010** and the need to eliminate unlawful discrimination, harassment and victimisation.

The Licensing Authority expects applicants to be aware of and comply with all legislation relating to unlawful discrimination.

The Licensing Authority is under a duty to protect the rights of residents to privacy and family life under **Article 8 of the European Convention on Human Rights**. At the same time, the Licensing Authority must recognise the right of legitimate businesses to operate their premises without unnecessary restraint.

4. Licensable Activities

Telford & Wrekin Council acting as the Licensing Authority is responsible for granting licences and permissions required under the Licensing Act 2003 in the Telford & Wrekin area.

This policy relates to all '**licensable activities**' as defined by the Act, namely:

- sale by retail of alcohol
- supply of alcohol to club members
- provision of regulated entertainment
- provision of late night refreshment (the supply of hot food and/or hot drink from any premises between 11pm and 5am).

4.1 Sale by retail of alcohol and supply of alcohol to club members

All sales of alcohol or supply of alcohol to members of a club or their guests must be licensed under the authorisation of a premises licence, a club premises certificate or a temporary event notice.

4.2 Garages and service stations:

Applications for the sale of alcohol at such premises should include evidence of primary use. This is to enable the Licensing Authority to determine the nature of the premises in light of Section 176 of the Act which prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of a premises used mainly as a garage.

If there is insufficient evidence to establish primary use the Licensing Authority may defer determining the application until such time as primary use issues may be resolved to their satisfaction.

4.3 Regulated entertainment

The descriptions of entertainment in the Licensing Act are:

- a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment (which includes a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”))
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
- or entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The Live Music Act 2012 came into force on 1st October 2012 and has made a number of changes to the hours and the audience size during which entertainment requires regulation. These changes are ongoing as further deregulation is introduced, and so the Licensing Authority advises applicants to check the council website www.telford.gov.uk or contact them if they are unsure if their entertainment needs to be regulated.

4.4 Live Music, Dancing and Theatre

The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing as well as a range of traditional theatre performances for the wider cultural benefit of communities generally.

In carrying out its licensing functions, care will be taken by the Licensing Authority to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a disproportionate nature.

In order to encourage the growth of cultural diversity within the Borough of Telford & Wrekin, the Council, acting separately from the Licensing Authority, may consider whether to apply for a premises licence in its own name for public areas such as market squares, village greens, parks, public buildings etc.

This would mean that performers or entertainers wishing to perform in such places would no longer have to apply for a licence themselves although permission would still be required from the Council as the licence holder for any proposed regulated entertainment in the areas identified.

As the owners of the public spaces, the Council service that deals with such areas may wish hirers for events to comply with terms and conditions of hire.

It should be noted that these terms and conditions are outside the control of the Licensing Authority and are a matter for the parties involved.

4.5 Sexual Entertainment

Telford & Wrekin Council has a Policy in place regarding Sexual Entertainment Venues (SEVs) which can be accessed on the Council website, www.telford.gov.uk. A premises can provide sexual entertainment no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event before requiring an SEV licence.

Where a premises holds an SEV licence which has similar conditions to those on the premises licence, then the more rigorous conditions will apply.

5. Licensing Objectives

As part of their application for a licence, applicants will be expected to address each of the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

Each application made to the Licensing Authority under the Licensing Act 2003 will be considered on its own merits in the context of the four licensing objectives. These are:

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

Unless relevant representations are received from responsible authorities or other persons, there is no provision for a licensing authority to impose conditions on a licence other than according to the voluntary steps which the applicant proposes to make in their application.

If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought and the licence will be deemed as granted by the Licensing Act 2003.

5.1 Risk Assessments

Applicants for premises licences, club premises certificates or for variations to an existing premises licence are advised to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications.

This risk assessment should cover the premises, events, activities and the customers expected to attend and will inform any appropriate steps to be set out in the operating schedule to promote the licensing objectives.

Whilst the Licensing Authority cannot require such risk assessments to be documented, it considers them good practice and a useful tool in the instruction and training of staff.

Additional measures may be appropriate on occasion, such as a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions), which may attract larger, different audiences and which may impact on the licensing objectives.

Reference should be made in an applicant's operating schedule, where applicable, to such occasions and any additional measures planned to achieve the licensing objectives. Addressing key issues within the operating schedule on the application form can help alleviate concerns of responsible authorities and other persons and may make the application less likely to attract representations.

5.2 Aims and Factors to consider

In the sections relating to each licensing objective in Part B of this policy, the Licensing Authority has defined its intended aims.

Each section lists a number of potential factors that may influence the achievement of that objective. Due to the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive.

Applicants will know their premises best and will be expected to address in their operating schedules all aspects relevant to the individual style and characteristics of their premises and activities.

Where any factor(s) is/are not relevant in respect of particular premises or activities, the Licensing Authority clearly will not expect it or them to be addressed in the operating schedule

5.3 Control Measures

Many control measures achieve more than one objective but have not necessarily been listed under each one.

The lists of possible control measures are not to be regarded as absolute requirements or as "check lists" and will not be used by the Licensing Authority to create standard conditions.

Control measures should be realistic and within the control of the applicant and management of the premises.

The design, layout and type of premises are important factors to be considered in promoting the licensing objectives, and should be considered in conjunction with the following:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with special needs, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

5.4 Assistance for Applicants

In order to assist applicants with the carrying out of risk assessments and the preparation of operating schedules, further information is available in the Licensing Authority application guidance packs and in the Secretary of State's National Guidance, which can be accessed via the Home Office website, www.gov.uk, together with supporting guidance on the Licensing Objectives in Part B of this Policy.

Application forms are available on the Council website, www.telford.gov.uk and online applications can also be made through this website. In addition, advice on specific issues e.g. crime and disorder or noise, can be obtained by contacting the relevant Council Officers and other agencies, who will offer as much advice and guidance as resources permit. Contact details can be found in Appendix A.

5.5 Relevant Representations

Any relevant representations received from Responsible Authorities or Other Persons will be considered by the Licensing Authority. Other Persons may request a representative to act on their behalf. This could be a legal representative, a friend, an MP or Councillor. A relevant representation may be comments in support of an application as well as objections to an application.

A Councillor who is a member of the Licensing Committee will be advised not to become involved in making either written or oral representations on behalf of constituents regarding licensing matters. They may refer the person to a fellow Councillor.

For a representation to be taken into account it must concern at least one of the licensing objectives and relate to the premises for which the application has been made. Where made by an Other Person, the Licensing Authority will determine if the representation is relevant. It may be rejected if it is considered irrelevant, frivolous and/or vexatious. Less weight may be given to any representations which are anonymous or are from a false address.

The Licensing Authority **cannot** impose any conditions unless a relevant representation has been received. The Licensing Authority must also be satisfied at a hearing of the Licensing Sub Committee, that any additional conditions are appropriate for the promotion of the Licensing Objectives.

Only where relevant representations are made will the determination of the application be made by a Sub-Committee consisting of three Members of the Council's Licensing Committee at a hearing.

5.6 The Licensing Authority as a responsible authority

The Licensing Authority as a responsible authority may make representations about an application or request a review of a licence. In these circumstances, the Licensing Authority will ensure that there is a clear separation of responsibilities between the Officer making the representation and the Officer presenting the report to Committee.

The Licensing Authority would not normally make a representation or request a review of a licence where the evidence clearly shows that this could be done by another responsible authority or other person. An example of when the Licensing Authority might intervene in this way could be when a number of small unconnected incidents occur which on their own would not be enough for one person to make a complaint, but when taken together show breaches of licence conditions or undermine the Licensing Objectives.

5.7 Health as a Responsible Authority

The local authority Director of Public Health has now been added as a responsible authority.

The Director for Public Health is in a unique position to contribute information to the Licensing Authority about the alcohol related health issues in the area. With the necessary processes in place they can link alcohol harm to specific areas within Telford & Wrekin, and can pinpoint problem premises. This information can be used to deal with problem premises, and to inform Licensing Authority policy making and decisions on Late Night Levy's and Early Morning Alcohol Restriction Orders.

The Licensing Authority will work with the Director of Public Health to share information and advise them of what measures are available under the Licensing Act 2003 to address alcohol related harm in the area.

5.8 Planning and Building Control

The Licensing Authority will ensure that the planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency.

Applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

Licensing applications should not be a re-run of the planning application, and the granting by the Council's Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

Applicants are recommended to make inquiries of the local planning and building control departments where applicable.

It should be noted that there is no legal basis for a Licensing Authority to refuse a licence application because it does not have planning permission.

If planning permission imposes a terminal hour which is different to the licensing hours, the earlier operating time must be observed.

6. Conditions

Each application will be considered on its individual merits. Only those conditions appropriate to meet the licensing objectives will be imposed. The Authority will avoid the imposition of disproportionate conditions where there is no need for them.

The Authority will seek to avoid duplication with other regulatory regimes. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (for example The Health & Safety (First Aid) regulations 1981 and the Regulatory Reform (Fire Safety) Order 2005). However, the Authority will expect licensees to maintain compliance with those regulatory regimes and would encourage licence holders to adopt best practice wherever possible.

When submitting operating schedules, applicants will be required to outline the measures which are being taken in order to meet the four licensing objectives. These measures will then be incorporated into conditions which will be attached to a premises licence. Any conditions proposed by the applicant which duplicate other regulatory regimes or are not enforceable may not be incorporated into the conditions on the licence. When conditions are written onto the licence, they will be clear, enforceable and expressed in plain language so that they can be easily understood by those expected to comply with them.

Some licences may contain conditions which are no longer enforceable or are now covered by other legislation. These conditions can only be removed from a licence by way of a minor or full variation, and so the authority strongly recommends that any premises which is intending to submit a variation takes the opportunity to look at the conditions on their licence and consider the removal of any conditions which are no longer enforceable, are covered by other legislation or are no longer relevant to the operation of the premises.

Each application will be unique and any additional conditions beyond the existing legislative requirements and those proposed on the operating schedule will only be attached after receipt of relevant representations, and where it is reasonable and

proportionate to do so to promote the licensing objectives, unless all parties agree that a hearing is unnecessary. Any such conditions will take into account the nature of the premises and the scale and type of activity to be provided.

6.1 Home Office Mandatory Conditions

The Home Office has introduced a number of mandatory conditions which apply to licensed premises and club premises which sell or supply alcohol and:

- ban irresponsible drinks promotions
- ensure that customers have access to free potable water so that they can space out their drinks and not get intoxicated too quickly.
- require an age verification policy to be in place to prevent underage sales
- ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine
- ensure that all alcohol is sold for a minimum permitted price.

It should be noted that all drinks promotions will be assessed in accordance with the previous history of the premises including any past issues that may have compromised the licensing objectives, and with regard to the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office.

7. Smoke Free Premises

The Health Act 2006 made provision for the prohibition of smoking in certain premises, places and vehicles. Premises are to be smoke free if they are open to the public, used as a place of work, or a place where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there.

Licensed premises should consider the provision of external smoking areas, and obtain relevant planning permission.

More information on smoke free premises can be obtained at:

www.smokefreeengland.co.uk

The Licensing Authority recognises that external smoking areas may impact on the Licensing Objectives, such as the prevention of crime and disorder and the prevention of public nuisance. It is suggested that all such arrangements are discussed at an early stage with the relevant authorities to ensure compliance with the law.

8. Licensing Hours

The Government strongly believes that fixed and artificially early closing times can lead to binge drinking close to closing times and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. Longer opening hours are considered important in contributing to the

gradual departure of customers from licensed premises over time rather than all leaving at set terminal hours.

The expectation is that this will contribute to a change in the culture of drinking and reduce the concentration of people on the street late at night at any one time. It is argued that as a consequence there should be a reduction in disorder and disturbance in particular around late night refreshment venues and transport facilities.

There are no fixed restrictions on terminal hours for any particular areas of Telford & Wrekin. Such a restriction would cause the migration of customers from one area to another and create the circumstances that this legislation aims to avoid. Staggered dispersal of customers is an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the areas.

In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. The Licensing Authority cannot restrict opening hours unless it receives representations to an application and it is relevant to the promotion of the licensing objectives to do so, or unless it does so under the authority of an Early Morning Restriction Order (EMRO).

It is for the applicant to show in their operating schedule what measures they will take to address crime and disorder issues. They will need to ensure that they do not cause nuisance or disturbance to their neighbours in the immediate vicinity of the premises, to protect the public at their premises and to protect children from harm. The later the terminal hour applied for, the greater the need to address these issues.

When considering applications for premises licences, the Licensing Authority will take into account an applicant's request for terminal hours in the light of;

- a) environmental quality e.g. noise and light pollution
- b) residential impact and amenity
- c) the character and nature of a particular area
- d) the nature of the proposed activities to be provided at the premises

Applicants should note however, that stricter conditions, particularly in terms of licensing hours to control noise, are likely to be imposed in the case of premises situated in largely residential areas where relevant representations have been received and are suitably proven.

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises which are known to be a focus of disorder and disturbance then, subject to proven and relevant representations, some limitation on licensing hours may be appropriate.

9. Cumulative Impact

The Licensing Authority is aware of the impact that can arise from a concentration of licensed premises in an area, as a result of the increased number of people dispersing from licensed venues or congregating in streets late at night. Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking

difficulties and general traffic congestion, an increase in littering or fouling and an increase in the availability of alcohol resulting in health concerns.

In such cases, the amenity of local residents can be adversely affected but the problems may not be readily attributable to any individual premises.

The Licensing Authority can consider if a special policy, called a Cumulative Impact Policy, would be an effective control on the numbers of licensed premises in an area. The Licensing Authority currently does not have sufficient evidence to demonstrate, to the extent necessary, that any particular part of Telford & Wrekin has such a concentration of licensed premises as to cause a cumulative impact on the licensing objectives. Therefore the Licensing Authority does not intend at present to adopt a special policy of refusing applications for new licences or certificates, or for material variations to existing licences or certificates, on the basis of cumulative impact. This decision will be reviewed if sufficient evidence becomes available.

10. Licence Reviews

The Licensing Authority is keen to work in partnership to achieve the promotion of the licensing objectives and responsible authorities will try to give licensees early warning of any concerns identified at their premises.

Where problems persist, a responsible authority or other person can apply for the review of a licence. Other persons includes any individual, body or business entitled to make representations. Advice on applying for the review of a premises licence can be found on the Home Office website at www.gov.uk.

The Licensing Authority will administer the process and determine its outcome at a hearing where an evidential basis for the concerns and allegations made will need to be submitted.

The 2003 Act empowers the Licensing Authority to take the following steps (as appropriate) when determining the review of a licence. Such steps would only be taken if the Licensing Authority considers them appropriate for the promotion of the licensing objectives;

- modify the conditions of the licence
- exclude a licensable activity from the scope of the licence
- remove the Designated Premises Supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

11. Early Morning Restriction Orders

On 31st October 2012, Section 119 of the Police Reform and Social Responsibility Act 2011 amended sections 172A to 172E of the Licensing Act 2003 and brought in powers for a Licensing Authority to introduce an Early Morning Restriction Order (EMRO). An EMRO allows the Licensing Authority to restrict sales of alcohol for a specified time between 12am and 6am in the whole or part of the Licensing Authority area.

An EMRO is designed to tackle serious problems of alcohol-related crime and disorder, anti-social behaviour and public nuisance within an area which cannot be directly linked to one specific premises.

The decision to implement an EMRO must be taken by the Full Council and must be evidence based. A consultation will follow any decision to implement an EMRO and the results of the consultation will be considered before a final decision is made.

At this time, Telford & Wrekin Council has made the decision that there is no evidence that an EMRO should be introduced in any part of its area. If evidence is received that an EMRO would be the appropriate measure to tackle alcohol related problems in the area, then that evidence will be placed before Full Council.

12. Late Night Levy

On 31st October 2012, Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011 introduced powers for the Licensing Authority to introduce a Late Night Levy.

This allows a Licensing Authority to charge a levy for all premises in its area who sell alcohol between 12am and 6am to contribute towards the costs of policing the night-time economy. They have the power to exempt certain types of premises from the levy, and to reduce the levy charge for certain types of premises. Any revenue from the levy must be divided between the Licensing Authority and the Police, with at least 70% of the revenue paid to the Police.

Telford & Wrekin Council has decided that the introduction of a Late Night Levy is not appropriate at this time.

13. Minor variations

An application for a small variation that will not impact adversely on the licensing objectives can be made by way of a minor variation.

Each application will be decided upon its own individual merits and the decision to consult with each responsible authority will be made based upon the content of the minor variation requested. These decisions will be made with regard to the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and the minor variation guidance issued on the Home Office website www.gov.uk. It is advised that an applicant reads this guidance before making an application to ensure that their licence can be changed by the minor variation process rather than applying for a full variation.

14. Temporary Event Notices

There are two types of Temporary Event Notices (TEN) – a standard TEN and a late TEN. If the Police or Environmental Health object to a late TEN, there is no provision for a hearing of the Licensing Sub-Committee and the licensable activities will not be authorised.

A statutory period of 10 clear working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a standard TEN, and between 5 and 9 clear working days for a Late TEN. This is exclusive of the day on which the notice is served and the day on which the event is to start.

Addresses for serving the Licensing Authority, the Police and Environmental Health with copies of a TEN can be found at Appendix A of this policy.

The serving of a notice of a temporary event does not mean that the premises or event is exempt from the requirements of all other relevant legislation. Premises users/event organisers are required to ensure the licensing objectives are still promoted.

It should be noted that the Police and Environmental Health are the only responsible authorities who may make representations to a temporary event notice, and can only do so if to allow the event would undermine the licensing objectives. The Licensing Authority cannot attach any terms or conditions on such events unless a representation has been received. The only conditions which can be imposed on a TEN following receipt of a representation are those conditions which are currently on a premises licence or club premises certificate. They may only be imposed on a TEN at a hearing, unless the authority, the premises user and the responsible authority making the representation agree that a hearing is not necessary.

The various Responsible Authorities and other Council services will be able to advise on health and safety matters, noise nuisance, crime and disorder, public safety, child safety, and the building of temporary structures, as far as time and resources permit.

15. Personal Licences

The Licensing Act 2003 establishes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol.

The licensing of individuals separately from the licensing of premises allows the movement of personal licence holders from one premises to another, allowing greater flexibility and preventing publicans from being tied by licences to the premises where they work.

The personal licence relates only to the supply of alcohol under a premises licence. An individual will not require a personal licence for the other licensable activities.

A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a premises licence authorising the supply of alcohol in accordance with the premises licence or a Temporary Event Notice. An individual may hold only one personal licence at any one time.

More than one individual at the licensed premises may hold a personal licence, although it is not necessary for all staff to be licensed. However, all supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

15.1 Duration of licence

A personal licence once issued has no expiry.

Applicants for personal licences will need to obtain an accredited qualification prior to submitting an application. The aim of the qualification is to ensure that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

An applicant for a personal licence will also need to obtain a basic criminal record disclosure.

If a personal licence holder moves from their home address, they must return their licence to the issuing local authority with the appropriate fee to have the address changed on the licence.

15.2 Relevant offences

If there are no unspent criminal convictions for the relevant offences set out in the Act, and the application has been correctly applied for then a licence will be granted.

Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act 2003 are encouraged to discuss their intended application with the police before making an application.

The holder of a licence is required by the Act to notify the relevant licensing authority of any convictions for relevant offences. Failure to do so is an offence. The court is similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence.

15.3 Hearings

Where an applicant is found to have a relevant or foreign offence and the police object to the application on the grounds of crime prevention, the applicant is entitled to a hearing before the Licensing Authority.

Applicants and the Police will be given all the reasons for any decision that is made.

16 Designated Premises Supervisor

The sale of alcohol, because of its wider impact on the community, carries with it a greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of a Designated Premises Supervisor (DPS) is to ensure that there is always a named individual who can be readily identified at the premises.

This person will play a pivotal role in terms of management and supervision of the premises, although they are not legally required to be on the premises at all times.

It is good practice, when a DPS is not at the premises, for them to provide written authority to staff detailing that sales are authorised. Where possible, it is also good

practice to have more than one personal licence holder amongst the staff. If a DPS leaves a premises, it is important for the Premises Licence Holder to apply to vary the DPS at the premises as soon as possible so that the Licensing Authority and other responsible authorities can identify the person in day to day control at the premises.

It should be noted that this does not remove any criminal liability for staff for offences under the Act, such as serving under age persons, or persons already intoxicated.

16.1 Removal of requirement for a designated premises supervisor (DPS)

Community premises such as village halls, church halls, and community halls can apply to have the section relating to the requirement for all premises licensed for the sale of alcohol to have a DPS and for all sales of alcohol to be made or authorised by a person who holds a personal licence to be removed from their premises licence.

This change enables community premises to operate without a DPS and for sales of alcohol to be made on such premises without the authorisation of a personal licence holder, but under the authorisation of the committee or board of individuals who are the licence holder.

17 Non-Payment of Annual Fee

Under the amendments brought about by the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend premises licences and club premises certificates if the annual fee has not been paid. Whilst the licence is suspended, no licensable activities may take place at the premises, and the suspension will be lifted upon payment of the annual fee. Continuing to provide licensable activities whilst a licence is suspended is an offence and may leave the licence holder open to prosecution.

A letter will be sent to the licence holder reminding them that the annual fee is due, however it is always the responsibility of the licence holder to ensure that the annual fee is paid by the due date, regardless of whether a reminder has been received or not. If the due date has been reached, and payment has not been made, a warning letter will then be sent to the licence holder to remind them that the annual fee is still outstanding and that the licence will be suspended seven days from the date of the letter. A letter will be sent to the licence holder and to the premises after seven days to say that the licence has been suspended until payment of the outstanding fee has been received.

If the Licence Holder believes there is an administrative error related to the annual fee, or the Licence Holder wishes to dispute the annual fee, the Licence Holder must contact the Licensing Authority on or before the due date of the annual fee. If the issue of the administrative error is not resolved during the following 21 day period, the licence will be suspended.

Annual fees can be paid by cheque, cash at reception at Darby House or at First Point Telford Southwater One, online at www.telford.gov.uk, over the phone (01952 381818) or by BACs payment. If making any payments online or by BACs or at a Council contact centre please quote the Premises Licence number and contact Licensing to let them know that payment has been made so that they can credit the payment to the licence.

18. Enforcement

The Licensing Authority recognises the interests of both citizens and businesses, and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

A Public Protection Enforcement Policy exists which can be found on the website, www.telford.gov.uk, that is based around the principles of targeting, consistency, transparency and proportionality as set out in the Regulator's Compliance Code, and explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved.

This policy supports the Government's Better Regulation Agenda and the recommendations of the Hampton Report. The approach to regulatory enforcement and inspection will be fair, proportionate and flexible enough to allow economic progress in the area.

The Council will implement a compliance monitoring regime which will be based on the risk profile of the premises and intelligence received.

The Licensing Authority will continue to seek to work actively with the Responsible Authorities in enforcing Licensing legislation.

The Public Protection Officers will continue to investigate allegations of unlicensed activities and to ensure compliance of licence conditions. It should be noted that, in some instances, the issues concerned may be better addressed by other legislation, or licence review. In these instances the matter will be referred to the appropriate service area or regulatory body.

19. Delegation

Appendix B of this Policy Statement sets out the delegation of decisions and functions to the Licensing Committee, its Sub-Committees and to Officers.

Part B - Licensing Objectives

These objectives form the basis on which the licensing authority determines what is in the public interest when carrying out its functions.

A licensing authority may only restrict licensable activities where it is appropriate for the promotion of these licensing objectives.

Each objective is of equal importance and aims to ensure that everyone involved in the licensing regime is focused on common goals essential to the fair balance of differing interests and the wellbeing of our communities in relation to licensable activities.

As part of the application for a premises licence an applicant must submit an operating schedule that includes a statement of the steps they propose to take to promote these objectives.

Conditions attached to a premises licence, whether volunteered in the operating schedule or added at a Licensing hearing further to relevant representations, have to be appropriate (and not just aspirational) for the promotion of the licensing objectives and must be tailored to the individual style and characteristics of the premises and activities undertaken there.

Where no relevant representations are made about an application for, or application to vary, a premises licence, the licensing authority **cannot** impose any conditions other than those which are mandatory under the Act.

The following are intended to offer guidance to applicants as to what they should consider in making an application under the Licensing Act 2003.

1. The prevention of crime and disorder

1.1 Aims

The promotion of this objective places a responsibility on licence/certificate holders to become key partners in achieving a positive outcome. Following the carrying out of a risk assessment, applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained, to minimise or prevent crime and disorder, in and around the vicinity of their premises.

They are expected to be relevant to the individual style and characteristics of their premises and activities.

1.2 Factors to consider

In addition to responsible management and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant with regard to their particular premises and/or activities and where existing legislation does not provide adequately for the prevention of crime and disorder;

- number of people attending the premises
- customer profile, including age of patrons and potential for underage drinking
- condition, design and layout of the premises
- potential for misuse of drugs and abuse of alcohol including drunkenness
- potential for anti-social behaviour
- nature of the activities to be provided
- the hours of operation and hours of opening if different
- the location of the premises including proximity to other licensed premises
- physical environment of the premises including both internal and external elements, e.g. external lighting and litter bins. This is particularly relevant when planning the design of new premises or the refurbishment or alteration of existing premises.
- provision of effective CCTV in and around the premises
- documentation in relation to admission to premises and/or age related sales
- the employment of Security Industry Authority licensed door staff, including female door staff, where appropriate.
- provision of toughened glass or plastic glasses and bottles
- provision of bottle bins within premises
- the provision of secure deposit boxes for confiscated items
- provision of appropriate communication systems including links to the police and other licence or certificate holders e.g. the use of text/radio pagers
- prohibition on the removal of alcohol in open containers from the premises
- the setting of maximum occupancy levels
- the proper use of point of sale promotions
- the provision of appropriate signage

- the provision of appropriate furniture for patrons
- relevant control measures as contained in the Safer Clubbing guidance e.g. various drug control measures, provision of safe transport home.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

The emphasis should be on deterring and preventing crime and disorder to provide a safe environment for both customers and staff.

The Licensing Authority accepts that an individual who engages in anti-social behaviour is accountable in their own right and other criminal legislation is available to deal with this type of incident. However, this should not prevent the licence holder for a premises, club or temporary event, or personal licence holder including the designated premises supervisor and/or other responsible persons from taking positive action to deal with or inform the relevant responsible authority of an incident.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact the Police Licensing Officer, as detailed in Appendix A.

2. Public Safety

2.1 Aims

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

Following the carrying out of a risk assessment an applicant will be expected to demonstrate, in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety both in and around the vicinity of their premises. Such measures should be relevant to the individual style and characteristics of their premises and activities.

2.2 Factors to consider

In addition to responsible management and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures. This should be done within the operating schedules where these are relevant and having regard to their particular premises and/or activities and where existing legislation does not provide adequately for public safety;

- the provision of sufficient, suitably trained persons employed or engaged to secure the safety of the premises and patrons
- suitable facilities for disabled people and people with special needs
- provision of flame-retardant curtains, hangings, decorations and upholstery
- provision of various safety measures, including fire and electrical safety
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. relevant to public safety
- the provision of crowd management measures e.g. queuing
- the provision of first aid facilities
- the use of special effects
- the provision of special measures resulting from particular types of entertainment e.g. indoor sport events, hypnotism, and facilities for dancing by patrons
- the provision of access for emergency vehicles
- relevant control measures contained in the Safer Clubbing guidance e.g. provision of free cold water
- liaison with public transport providers
- the number of people attending the premises
- the condition, design and layout of the premises, including the means of escape in case of fire
- the nature of the activities to be provided (whether licensable or not), in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
- the hours of operation and hours of opening if different
- customer profile e.g. age, disability, special needs etc.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact Telford and Wrekin Council Environmental Health Business Regulation Team, and Shropshire Fire Service, as detailed in Appendix A.

3. The prevention of public nuisance

Licensed premises have a significant potential to impact adversely on communities through the public nuisance which can arise from their operation.

The Licensing Authority recognises the need to maintain and protect the living and working amenity and environment of residents and businesses whilst balancing these against the interests of licence or certificate holders and of those attending licensed premises.

It is recognised that noise is a major concern for residents and workers in premises close to licensed premises.

The control of noise is already catered for to some extent by existing legislative requirements.

The Legislation referred to includes:

- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- The Noise Act 1996
- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993

The Licensing Authority recognises that different people have different levels of tolerance to the unavoidable activities involved in the everyday provision of entertainment and refreshment.

The Licensing Authority, upon receipt of relevant representations, will look carefully at the impact of licensed premises with regard to noise and disturbance in the vicinity of the premises, especially where entertainment takes place late at night and during other times when the activities may be more intrusive.

3.1 Aims

Following the carrying out of their risk assessment, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified. These should be implemented and maintained in order to minimise or prevent public nuisance, in its broadest terms, in and around the vicinity of their premises. Such measures should be relevant to the individual style and characteristics of their premises and activities.

3.2 Factors to consider

In addition to responsible management and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant having regard to their particular premises and/or activities and where existing legislation does not provide adequately for the prevention of public nuisance.

These may include:-

- the location of the premises and proximity to residential properties
- the number of people attending the premises
- the hours of operation and opening (especially between 23.00 – 07.00hrs)
- the nature of the activities to be provided, including whether they are temporary or permanent and whether they are to be held inside or outside the premises
- the design and layout of the premises and the presence of any noise limiting features
- the provision of measures to control the use of fireworks, pyrotechnics etc.
- rowdy behaviour
- disposal of waste and bottle bins, litter collection and bins
- plant and machinery
- food preparation including cleaning of premises and equipment
- use of gardens, play areas, car parks, open air areas and temporary structures
- suitability of collection and delivery points and times if these are during a period when disturbance may be caused
- the provision of measures to prevent disturbance caused by patrons, staff and vehicles, including taxis, delivery and refuse vehicles etc. arriving at or leaving the premises, especially between 23.00 and 7.00
- the need for any additional measures resulting from the proximity of the premises to residential and business properties or other noise sensitive premises, e.g. nursing homes, hospitals, hospices or places of worship
- the provision of measures to control litter, fly posting and unauthorised signs in the vicinity of the premises,
- the provision of measures to control the emission of noxious smells from the premises
- the provision of a dispersal policy
- the provision of a 'wind down period'

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise with regard to any risk and steps to promote this licensing objective.

In the first instance, the applicant should contact Telford and Wrekin Council Environmental Health Pollution Control, as detailed in Appendix A.

Applicants may also wish to consult publications such as the Institute of Acoustics' Good Practice Guide on the Control of Noise from pubs and clubs 2003 and good practice guides issued by trade associations, particularly where licensable activities are to take place between 11pm and 7am

4. The protection of children from harm

4.1 Aims

The Licensing Authority is committed to ensuring the protection of children from physical, moral and psychological harm, whilst recognising the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-away outlets, community halls and schools.

4.2 Children and Licensed Premises

The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

Similarly, it is an offence to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5.00am at premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity.

Other than these two restrictions, there is no presumption in favour of giving access to children and young persons under 18 generally or indeed preventing their access.

Each application and the situation in relation to each premise will be considered on its own merits.

In cases where it is considered appropriate, options available for limiting access by children could include:

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access being limited to parts of the premises only
- age limits.

The Local Safeguarding Children Board as a Responsible Authority and as the body deemed competent by the Licensing Authority to advise on the protection of children from harm will be given an opportunity to consider and comment upon all relevant applications under the Licensing Act 2003.

Examples of areas which may give rise to concern in respect of children include premises:

- where nudity or entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place

- with a known association with drug taking or dealing
- where there have been convictions for serving alcohol to those under 18
- with a reputation for underage drinking

4.3 Child Employment

The Children (Performances) Regulations 1968 set out requirements for children performing in a show. The Licensing Authority recognises the requirements of these Regulations and will not duplicate any of these requirements. However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority will consider the matters concerned.

Any queries in relation to the employment of children in any capacity at licensed premises, or at temporary events should be made to the Child Employment Officer for Telford and Wrekin Council on 01952 385700.

4.4 Films

In the case of premises which are used for film exhibitions, a mandatory condition will be applied requiring that access will be restricted only to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the Local Authority.

Where a large number of children are likely to be present on any licensed premises, for example, at a children's show or pantomime, applicants will need to demonstrate the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

4.5 Factors to be considered

Where no licensing restriction on the admission of children is considered appropriate, their admission will remain a matter for the discretion of the individual licence or certificate holder and the Licensing Authority will not seek to require their admission.

In addition to responsible management and supervision, appropriate training with regard to the responsibilities under the Licensing Act 2003 and the adoption of good practice set out above, the Licensing Authority expects applicants to consider and address the following specific control measures.

This should be done within the operating schedules where these are relevant having regard to their particular premises and/or activities and where existing legislation does not provide adequately for the protection of children from harm.

When addressing this issue, applicants must demonstrate that those factors which impact on the protection of children from harm have been considered.

These may include:-

- types of licensable activities taking place at the premises, including any entertainment of an adult or sexual nature

- customer profile e.g. age, target audience
- the hours of operation and hours of opening if different
- suitability of the premises for children, including risk of exposure to noise
- the condition, design and layout of the premises, including the means of escape in case of fire and any specific hazards
- the provision of child friendly facilities e.g. play area, baby changing area
- the provision of additional safety measures e.g. electrical socket covers
- the provision of additional control measures for the supervision and protection of children including sufficient additional staff
- the requirement for patrons to produce accredited proof of age
- documentation in relation to admission to premises and/or age restricted sales
- the proper use of point of sale promotions
- compliance with the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks
- the provision of environmental protection measures e.g. control on noise levels and smoke-free areas

Where an applicant has decided to exclude children completely from the premises there will be no need to detail in the operating schedule steps to be taken to promote the protection of children from harm.

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached after receipt of relevant representations, and where it is reasonable and proportionate to do so to promote this objective.

Any such conditions will take into account the nature of the premises and the scale and type of entertainment to be provided.

Applicants may wish to consult a professional body, trade organisation or association who have experience in the relevant field to advise them with regard to any risks and steps to promote this licensing objective.

In the first instance, the applicant should contact the Local Safeguarding Children Board as detailed in Appendix A.

Contact Details

For information, advice and guidance relating to licensing and the application process please contact;

Licensing Service
Telford & Wrekin Council,
Darby House,
Lawn Central,
Telford,
TF3 4JA

Telephone: 01952 381818
Fax: 01952 381993
Email: licensing@telford.gov.uk
Website: www.telford.gov.uk

A full list of all contact details is set out at **Appendix A** to this Policy Statement.

Further information on all matters relating to the Licensing Act 2003 is available on the Home Office website at www.gov.uk

Appendix A

Licensing

Telford & Wrekin Council
Darby House
Lawn Central
Telford
Shropshire
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: licensing@telford.gov.uk

Police

Telford & Wrekin Licensing Department
Malinsgate Police Station
Telford
Shropshire
TF3 4HW
Tel: 01952 214822
E-mail: licensing.telford-wrekin@westmercia.pnn.police.uk

Local Safeguarding Children Board

30 West Road
Wellington
Telford
Shropshire
TF1 2BB
Tel: 01952 385678

Shropshire Fire and Rescue Services

The Fire Safety Department
St Michael's Street
Shrewsbury
Shropshire
SY1 2HJ.
Tel: 01743 260260
Email: firesafety@shropshirefire.gov.uk

Environmental Health (2 copies needed*)

Telford & Wrekin Council
Darby House
Telford
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: environmental.health@telford.gov.uk

Trading Standards

Telford & Wrekin Council
Darby House,
Lawn Central,
Telford,
TF3 4JA
Tel: 01952 381818
Fax: 01952 381993
E-mail: tradingstandards@telford.gov.uk

Planning

Telford & Wrekin Council
Wellington Civic & Leisure Centre
Larkin Way
Off Tan Bank
Wellington
Telford
TF1 1LX
Tel: 01952 380380
E-mail: planning.control@telford.gov.uk

Public Health
Director of Public Health
Telford & Wrekin Council
Addenbrooke House
Ironmasters Way
Telford
TF3 4NT
01952 385001

** Health & Safety Executive (one copy of an application has to be sent to this address instead of Environmental Health if it relates to a government bodies, schools or hospitals)*

*1 Hagley Road
Birmingham
B16 8HS
Tel: 0845 345 0055
Fax: 0121 607 6349*

Appendix B

Table of Delegations of Licensing Functions

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 to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
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	

Matter to be Dealt With	Full Committee	Sub-Committee	Officers
Acknowledgments of Notices, Applications and other documents			All cases
Revocation of personal licence under s.124 Licensing Act 2003		All cases	
Review of premises licence following closure order under s.167 Licensing Act 2003		All cases	
Issue of counter-notice to Temporary Event Notice under s.107 Licensing Act 2003			All cases
Determination of application to vary premises licence at community premises to include alternative licence condition		If a Police Objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Suspend a premises licence or club premises certificate for non-payment of the annual fee			All cases
Impose existing conditions on a premises licence, club premises certificate and temporary event notice where all parties agree a hearing is unnecessary			All cases
Make representations as a responsible authority			All cases

Appendix C

Service Area	Health, Wellbeing and Public Protection
Service Delivery Unit	Public Protection
Team	Licensing

Statement of Licensing Policy – Licensing Act 2003 – Consultation

Consultation of this licensing policy was undertaken by post, email and on the Council Website.

List of consultees

Statutory Consultees (as defined in Section 5 (3) of the Licensing Act 2003):

- Chief officer of police for the area
- Fire and rescue authority for the area
- Local Health Board for an area any part of which is in the licensing authority's area
- Each local authority in England whose public health functions within the meaning of the National Health Service 2006 are exercisable in respect of an area any part of which is in the licensing authority's area
- 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 its area.

To meet the statutory requirements the Licensing Authority has consulted with:

- Chief Constable for West Mercia Police
- Police Licensing Officer for Telford and Wrekin area
- Shropshire Fire and Rescue Service
- Statutory Director of Public Health
- Invest In Telford
- Shropshire Chamber of Commerce
- Wellington Chamber of Commerce
- Telford and Wrekin Council Members
- Town and Parish Councils
- 31 Licensed Club Premises in Telford and Wrekin
- 471 Premises Licence Holders
- Training providers for personal and premises licence holders
- Licensing Solicitors and Practitioners who represent personal and premises licence holders

In addition the Licensing Authority has consulted with:

- Local Safeguarding Children Board
- Environmental Health Section – Telford & Wrekin Council
- Trading Standards – Telford & Wrekin Council

- Planning – Telford and Wrekin Council
- Health and Wellbeing - Telford & Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities – Telford & Wrekin Council
- Safer Telford & Wrekin
- British Institute of Innkeepers (BII)
- British Beer and Pub Association (West Midlands Region)
- British Hospitality and Restaurant Association
- British Transport Police
- Business in Sport and Leisure Organisation
- Alcohol Concern
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- CAMRA
- Civic Voice
- Drinkaware Trust
- Equity
- Federation of Licensed Victuallers Associations
- Guild of Master Victuallers
- Musicians Union – Midlands Regional office
- National Federation of Retail Newsagents
- National Operatic and Dramatic Association
- National Pubwatch
- Federation of Small Businesses
- Wine and Spirit Trade Association
- Working Men’s Club and Institute Union
- Schools in Telford & Wrekin

Telford Housing Associations:

- Abbeyfield Wrekin Society
- Hanover Housing Association
- Robert Moore Housing Trust
- Stay Supported Housing
- Wrekin Housing Trust

Residents Associations:

- SORT Residents Ltd
- Stephenson’s Apartments Residents Association

Community Organisations:

- Guru Nanak Darwar Sikh Temple, Oakengates and Hadley
- Punjabi Cultural Society
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley
- Seventh Day Adventist Church
- Hadley Mens Get Together Group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association

- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Association
- South Telford Anti-Racist Committee
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- Chinese Christian Church
- Telford Cultural and Leisure Centre
- Asian Health Link Officer, Telford and Wrekin Primary Care trust.
- Sangat Parchar Sabha Community Organisation.
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- MENCAP, Wellington
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- MIND, Telford
- Telford and Wrekin CVS
- Telford Christian Council
- Wellington YMCA
- Senior Citizens Forum
- Sure Start Children's Centre
- Sutton Hill Family Project
- Telford Womens Craft Group
- Telford Islamic Academy
- Ex-Services Mental Welfare Society
- British Red Cross
- ESOL Tutor
- Shropshire Rural Support

Telford & Wrekin Council

**Licensing Committee – 14th October 2015
Council – 26th November 2015**

Review of Gambling Act 2005 – Statement of Licensing Principles

Report of: Service Delivery Manager Public Protection

1. Purpose

- 1.1 The Statement of Licensing Principles for the Gambling Act 2005 is due for its 3 yearly review. Members of the Licensing Committee will need to consider the revised Statement of Licensing Principles following a recent consultation.

2. Recommendations

To recommend to Council that the amendments made to the Statement of Licensing Principles, following a consultation exercise which ended on 14th September 2015, be approved.

3. Summary

- 3.1 The Gambling Act 2005 came into effect in January 2007. The current Statement of Licensing Principles was written in 2012. It is a statutory requirement to review the Statement of Licensing Principles every three years This is the third review of the Telford & Wrekin Statement of Licensing Principles since it came into effect in 2007.
- 3.2 The first Statement of Licensing Principles issued by this Licensing Authority, came into effect on 31st January 2007. Following consultation and any amendments made as a result of the consultation the revised Statement of Licensing Principles will need to be approved by Full Council on 26th November 2015 and published on 3rd January 2016. The Statement of Licensing Principles will then take effect from 31st January 2016.

4. Previous Minutes

- 4.1 LC-16 30th June 2009
LC-18 20th November 2012
LC- 9th June 2015

5 Information

5.1 Background

5.1.1 The Gambling Act 2005 requires Licensing Authorities to review their Statement of Principles every 3 years. The current policy document came into effect in January 2013. The third review is now due, with the proposed revised Statement of Principles coming into effect on 31st January 2016.

5.1.2 The licensing objectives in the Act 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.*

5.1.3 The draft review of the Statement of Licensing Principles has been prepared in the light of nearly eight years' experience and also in light of the Council's Statement of Licensing Principles which was last reviewed three years ago.

5.1.4 The Gambling Commission has consulted on its updated Guidance to Local Authorities (5th Edition). The revision to the Council's Statement of Principles has taken into account the amendments to the Gambling Commission's Guidance.

5.1.5 The Licensing Authority at Telford & Wrekin Council has received 33 applications for premises licences since the implementation of the Act. However, to date, the number of licences issued under the Gambling Act has fallen to 24 premises. This is made up of:-

- *18 Betting Premises Licences*
- *3 Bingo Premises Licences*
- *3 Adult Gaming Centres*

5.1.6 Under the Gambling Act, every application that attracts valid representations must be put before a Licensing Sub-Committee for consideration. Both applicant and those making representations have a right to address the Committee. Applications for the review of licences are also heard by a Licensing Sub-Committee. To date, the Licensing Committee has only been required to determine one Betting Premises application.

5.1.7 In exercising its functions, the Licensing Committee will have regards to:-

- *Licence Conditions and Codes of Practice (LCCP)*
- *Gambling Commissions Guidance to Local Authorities (5th Edition)*
- *Four Licensing Objectives*
- *Statement of Licensing Principles published by the local authority*

5.1.8 In the event of premises giving rise for concern, interested parties or their representatives, are able to apply for a review of a licence, at any time, on the grounds that their concerns relate specifically to the licensing objectives.

5.1.9 On 9th June 2015, the Licensing Committee approved a twelve week consultation which ran until 14th September 2015. The representatives of holders of existing licences, registered clubs and those who represent businesses, residents and community groups in the Borough were all consulted. The revised Statement of Principles was also made available at Council Offices and a copy posted on the Council's website similarly inviting representations. A full list of those organisations consulted as part of the Review of the Statement of Principles are listed at **Appendix A**, and the letter to consultees, response form and monitoring form are attached to this report at **Appendix B**.

5.1.10 The Revised Statement of Principles is attached at **Appendix C**. This document highlights a number of key changes which include:-

- ***The introduction of operators requiring a local risk assessment to accompany any new application or variation application.***
- ***The introduction of 'Bet Watch Schemes' where appropriate.***
- ***The requirement for gambling premises to notify the local licensing authority of any test-purchase results conducted by the Gambling Commission or their own organisation.***

5.1.11 In order to assist applicants, the Gambling Commission has produced a 'Local Gambling Risk Assessment' template. This template will be incorporated into any approved Statement of Licensing Principles and is attached as **Appendix D**.

5.1.12 Following the consultation, Members of the Licensing Committee can be informed that no comments to the proposed changes were received. The only response received to the revised Statement of Licensing Principles was from Newport Town Council, who confirmed that Town Councillors had no comment to make.

5.2 Equal Opportunities

- 5.2.1 As described in the revised Statement of Principles and as part of the consultation process, a wide range of organisations, bodies and individuals concerned with Gambling will be approached and given the opportunity to make their views known in relation to the Revised Statement.
- 5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of vulnerable people from harm in determining any application.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

- 5.4.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority before each successive period of 3 years to publish a statement of Licensing Principles that it proposes to apply when exercising its functions under the Act. The current statement of Licensing Principles ends in January 2016. The Borough of Telford and Wrekin as the Licensing Authority will need to consult on the proposed Statement of Licensing Principles.
- 5.4.2 The legal issues concerning this report are contained in the body of the report.

TS 6 May 2015

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to the following Corporate Priorities:
- protect and create jobs as a 'Business Supporting, Business Winning Council'
 - protect and support our vulnerable children and adults
 - ensure that neighborhood's are safe, clean and well maintained
 - improve the health and wellbeing of our communities and address health inequalities

5.6 Financial Comment

There are no financial implications with regards to this report.

5.7 Risks and Opportunities

5.7.1 In proposing the decision to be made concerning the review of the Statement of Principles under the Gambling Act 2005, the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision is that a failure to publish the Statement of Principles by 31st January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (5th edition) could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Principles is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1 Borough Wide Implications

7. Background Papers

7.1 Gambling Act 2005

7.2 Guidance to Licensing Authorities (5th Edition) issued by the Gambling Commission

7.3 Telford & Wrekin Statement of Licensing Principles.

7.4 Telford & Wrekin Draft Revision of Statement of Licensing Principles.

Report prepared by: Carl Phillips, Public Protection, Darby House, email licensing@telford.gov.uk, telephone 01952 380440

Appendices

Appendix A: List of consultees

Statement of Licensing Principles – Gambling Act 2005 Consultees List

- Responsible Authorities as defined by section 157 Gambling Act 2005
- Association of British Bookmakers
- BACTA
- GamCare
- Samaritans
- Citizens Advice Bureau
- All alcohol premises licence holders under the Licensing Act 2003 within the Licensing Authority area
- Existing licence and permit holders under the Gaming Act 1968 within the Licensing Authority area
- Existing licence and permit holders under the Gambling Act 2005 within the Licensing Authority area
- Representatives of existing licence holders
- Safeguarding Children’s Board
- Vulnerable Adults Board
- Lotteries Council
- Local residents and their representatives through the Council website.
- Town Library and Council produced publications
- Guru Nanak Darwar Sikh Temple, Oakengates
- Punjabi Cultural Society
- Place of worship and the teaching of the Quran, Tan Bank
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley
- Black History Group
- Seventh Day Adventist Church
- Hadley Mens get together group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association
- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Society
- South Telford Anti-Racist Committee
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- UK Telford Chinese School

-
- Chinese Christian Church
 - Telford Cultural and Leisure Centre
 - Visible Minorities Development Centre

- Asian Health Link Officer, Telford and Wrekin Primary Care trust.
- Sangat Parchar Sabha Community Organisation.
- Impact Alcohol Advisory Service, Wellington
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- Gamecare
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Multiple Sclerosis Society, Wellington
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- Young People's Support Scheme
- MIND, Telford
- Rural Stress Support Network
- Telford and Wrekin CVS
- Telford Christian Council
- Unicef, Telford
- Wellington YMCA
- Telford and Wrekin Senior Citizen's Forum
- RNIB
- RNID
- Scope
- Severn Hospice
- Sure Start Children's Centre
- Sutton Hill Family Project

Appendix B: Consultation letter, Proforma and monitoring form

Text of Consultation Letter

. Dear Sir/Madam

Re: Gambling Act 2005 Review of Statement of Principles Consultation

Telford and Wrekin Council is consulting on the review of the Statement of Principles issued under the Gambling Act 2005.

The consultation commences on Monday 22nd June 2015.

You are invited to submit any comments you have in relation to the policy **by 5:00pm on Monday 14th September 2015.**

The Statement of Principles is available on the Council's website at www.telford.gov.uk, in Darby House and Civic Offices Reception, and in local libraries. Comments can be made in respect of the review by writing, fax or by e-mailing to the details below:

Licensing,
Darby House,
Lawn Central,
Telford,
TF3 4JA
Fax; 01952 381993
Email; consultationlicensing@telford.gov.uk.

I would like to thank you for taking time to participate in this consultation exercise and look forward to receiving your comments.

Yours faithfully

Carl Phillips
Licensing Technical Officer

English

If you find the text in this document difficult to read we can supply it in a format better suited to your needs. Please ask someone who speaks English to contact the telephone number below.

Panjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲਾ ਮਸ਼ਮੂਨ ਪੜ੍ਹਨ ਵਿਚ ਮੁਸ਼ਕਿਲ ਹੋ ਰਹੀ ਹੈ, ਤਾਂ ਅਸੀਂ ਇਸ ਨੂੰ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਬਿਹਤਰ ਢੰਗ ਵਿਚ ਸਪਲਾਈ ਕਰ ਸਕਦੇ ਹਾਂ। ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਨੂੰ, ਜੋ ਅੰਗ੍ਰੇਜ਼ੀ ਬੋਲ ਸਕਦਾ ਹੈ, ਹੇਠਾਂ ਦਿੱਤੇ ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰਨ ਲਈ ਕਹੋ।

Urdu

اگر آپ کو اس دستاویز کا متن پڑھنے میں دشواری محسوس ہو تو ہم اسے ایسی شکل میں مہیا کر سکتے ہیں جو آپ کی ضرورتوں کے عین مطابق ہو۔ برائے مہربانی کسی انگریزی بولنے والے شخص سے درج ذیل ٹیلیفون نمبر پر رابطہ کرنے کے لئے کہیں۔

Chinese

如果您觉得这份文件中的内容不便阅读，我们可以提供更符合您需要的格式。
请安排一位会说英语的人士拨打以下电话号码与我们联系。

Please return this form to: Principal Licensing Officer, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on 14th September 2015.** Any responses will normally be made available to the public.



Appendix C: Revised & Current Statement of Principles



Telford & Wrekin

C O U N C I L

Statement of Principles

Gambling Act 2005

DRAFT

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This Statement of Licensing Principles was approved by [x] Council on [date]

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, Edition (5th Edition)

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the 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

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

This licensing authority is aware that, in making decisions about premises licences and temporary use notices, and in accordance with Section 153 of the Gambling Act, it should aim to permit the use of premises for gambling in so far as it thinks it is:

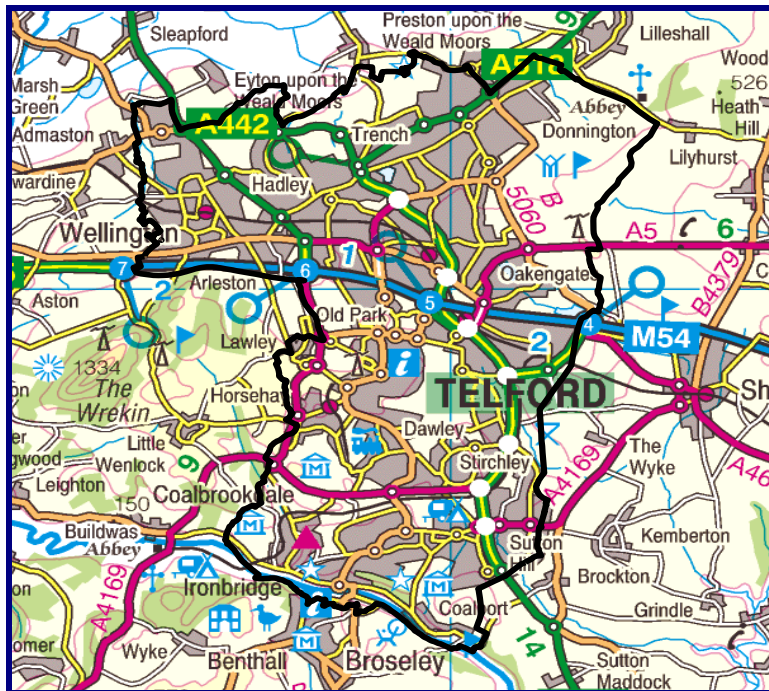
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of principles

2. Introduction

Telford & Wrekin Council is situated in the County of Shropshire which contains one other Unitary Council. The Council area has a population of just over 166,000 making it the smallest in the County in terms of population. In terms of area it is the smallest, covering 112 square miles. The Council area is a mixture of urban and rural districts; which includes the market town of Newport on the north-east corner of the borough and the central retail area of Telford town centre. These areas are shown in the maps below and include areas targeted for major housing projects.

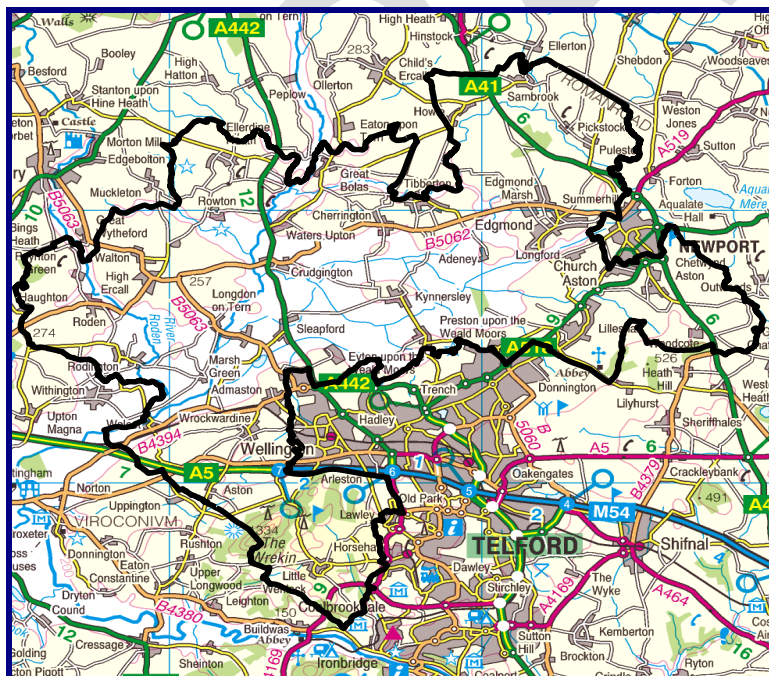
Telford & Wrekin Council is a Co-operative Council, working with local communities to transform and improve the borough is a key priority for Telford & Wrekin Council. We are currently making a major investment in regenerating towns and centres to make them more attractive and accessible to residents and visitors.

Telford & Wrekin – Urban Areas



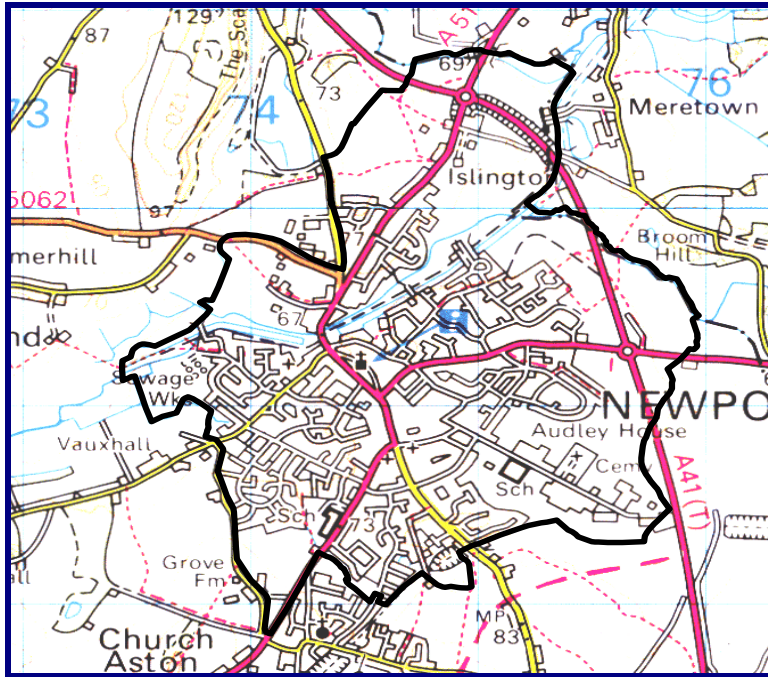
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Telford & Wrekin – Rural Areas



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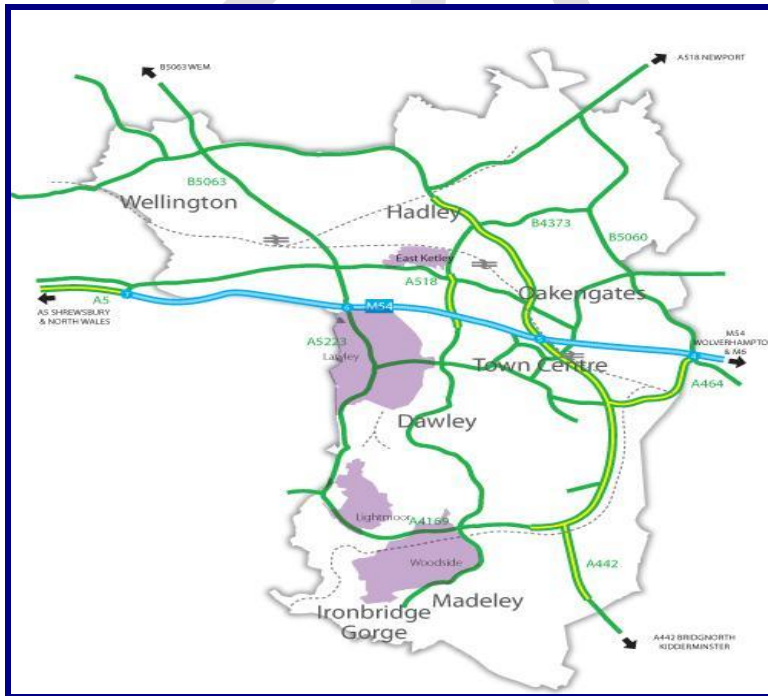
Telford & Wrekin - Newport



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Telford & Wrekin - Major Housing projects



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Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Telford & Wrekin Council is consulting widely upon this statement before finalising and publishing. The changes which have been made from the current statement are shown in red.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- 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.

List of statutory consultees this authority consulted:

- Chief Officer of police West Mercia Police, Telford
- Association of British Bookmakers
- BACTA
- GamCare

The consultation for this policy is taking place between 22nd June 2015 and 14th September 2015 and follows best practice as set out by the Department for Business, Innovation and Skills.

The full list of comments made and the consideration by the Council of those comments will be available once the consultation process has ended by request to: Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA / via the Council’s website at: www.telford.gov.uk.

Information provided in response will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004). Please refer to the accompanying Guidance on the Code of Practice.

The proposed policy will be put to the Full Council on 26th November 2015 and will be published via our website on 3rd January 2016. Copies of this consultation document have been placed in the public libraries of the area as

well as Southwater, Addenbrooke House and Darby House receptions.

To express your opinions on the proposed policy document, please write, fax or email, as detailed below:

By post : Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

By fax: (01952) 381993

By e-mail: **licensing@telford.gov.uk**

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

3. Declaration

In producing the final statement, this licensing authority declares that it will have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

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 to Licensing Authorities (5th Edition), this authority designates Telford and Wrekin Safeguarding Children Board (SCB) for this purpose.

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

5. Interested parties

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 applications is made, the person-

- a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) *has business interests that might be affected by the authorised activities,*
or
- c) *represents persons who satisfy paragraph (a) or (b)”*

The licensing authority is required by regulations 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:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities at (Section 8) and any decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent 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 (e.g. an 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.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA.

6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission (5th Edition) on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. **The licensing authority strongly encourages data sharing by operators and would expect routine access to data such as the number of self-exclusions from premises and figures relating to the number of underage persons attempting to gamble.**

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

Please contact the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA for further information on our protocols.

7. Enforcement

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

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance 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.*

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

It should be noted that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

In accordance with the principle of transparency, this Licensing Authority's enforcement policy is available upon request to the Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA. Our risk methodology is also available upon request.

8. Licensing authority functions

Licensing Authorities are required under the Act 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* who 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 licences issued (see section above on 'information exchange')

- Maintain registers of the permits and licences that are issued under these functions

It should be noted that Licensing Authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B

Premises Licences: Consideration of Applications

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are 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.

(i) Decision-making

This Licensing Authority is aware that in making decisions about premises licences, **and in line with Section 153 of the Gambling Act**, it should aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Licensing Principles.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences' (except as regards any 'no casino resolution' - see section on Casinos – Part 17) and also that unmet demand is not a criterion for a licensing authority.

(ii) Definition of “premises”

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing

authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the 5th edition of its Guidance to Licensing Authorities 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 ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the 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.”

This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: 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 of the following:

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

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

- Do the premises have a separate registration 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 Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.6 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Please note that in accordance with Section 166 Gambling Act 2005, the licensing authority has passed a 'no casino resolution' (refer to Section 4 of this policy).

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.6 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs **Section 7** of the Guidance.

(iv) 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 are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this 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 merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.56 'In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.'

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.63– 'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

Betting Premises should be reminded of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 which took effect on the 15th April 2015.

Amongst the changes in this Order was the reclassification of Betting Shops. Previously Betting Shops were included within class A2 (financial and professional services). They are now in a stand alone class. In certain circumstances property occupiers can change from one use to another within the same classification without the need for planning permission. Prospective Betting Shop Operators will no longer be able to take advantage of this flexibility, unless the premises is currently trading as a Betting Shop or held a Betting Shop Premises Licence pre 15th April 2015. If that is not the case a specific planning application will be required. All prospective new applications are advised to contact the Planning Authority for further advice on this matter.

(vi) Local Risk Assessments

As of 6th April 2016, all operators with Premises Licences will have an obligation to produce a local risk assessment. This is to assist the local licensing authority when considering applications. This is a new requirement and therefore, constitutes a mandatory condition for licensees.

Licensees will be 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 making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

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

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

To assist applicants, the Gambling Commission has produced a 'Local Risk Assessment' template. Information relating to this can be downloaded:-

<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

Alternatively, the local authority will be distributing the template with all new and variation applications.

(vii) Clustering

Currently, Telford & Wrekin Council has not witnessed a high concentration of gambling premises in one area ('clustering').

If this situation does arise at some point in the future, then the licensing authority may consider the introduction of a 'Bet Watch Scheme'. Such a scheme would enable the licensing authority to engage with other relevant organisations (such as betting shops and West Mercia Police). This scheme could be used as a forum to share information, look at crime rates around the Borough in relation to betting premises, share best practice and to enable the operator's security managers to raise any issues that they are having where the local authority or West Mercia Police could provide support.

As yet, such a scheme is not in place, but operators should be mindful that the licensing authority may consider this necessary if clustering does occur at some point in the future.

(viii) Duplication with other regulatory regimes

This licensing authority seeks 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. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully 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 (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section— see page 21).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling 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). The

licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling 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." This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

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

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 way in which the licensing objectives can be met effectively.

This 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. These matters are in accordance with the Gambling Commission's Guidance.

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

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, 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.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Test Purchasing – **The licensing authority are aware that test purchase exercises are often undertaken at gambling premises by both the Gambling Commission and the premises' own organisation. These are often undertaken without the co-operation of the licensing authority. As a result, Telford & Wrekin Council seeks to encourage operators to share the results of any such exercises with the licensing authority.**

2. Adult Gaming Centres

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 that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives 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-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare.*

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

3. Family Entertainment Centres (Licensed)

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.

This licensing authority may consider measures to meet the licensing objectives such as:

- *CCTV*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare.*

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

measures.

This licensing authority will, 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

This licensing authority has passed a 'no casino' resolution on the basis that there was no requirement to consider such a resolution in accordance with Section 166 Gambling Act 2005 and in line with advice provided by the Local Authorities Co-ordinators of Regulatory Services. This decision is consistent with the discretionary nature of Section 166 and the authority may continue to take into account any principle or matter outside the licensing objectives. Furthermore, the maintenance of a neutral stance should be considered attractive because it neither ruled the licensing authority in or out of considering applications for casino licences in the future.

However, potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority and no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

This resolution came into effect on 31st January 2010.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.5 of the Guidance states that Licensing Authorities will 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.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of 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.

18.6 of the guidance states 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.

6. Betting premises

Betting machines (bet receipt terminals) – are not gaming machines as they are designed or adapted for use to bet on future real events thus automating the betting process. Therefore, they do not count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. However, this does not include machines that are capable of taking bets on computer generated ‘virtual races’.

Sec 181 Gambling Act 2005 contains an express power for licensing authorities to restrict the number of betting machine, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

This licensing authority will, as per 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 (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.

Primary Gambling Activity – An Operating Licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings. Where betting facilities are provided only by betting machines, the number of betting machines must exceed the number of gaming machines made available for use.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) 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.

This authority will therefore expect the premises licence applicant 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, but that they are still

prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives 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-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare*

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

Gaming Machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per **Part 7** of the Gambling Commission's Guidance, 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 proposes to offer.

Applications and plans – Sec 51 Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better

provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

This licensing authority is responsible for deciding 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.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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 our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Sec 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises

licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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:

- *which could not have been raised by objectors at the provisional statement stage;*
- *which in the authority's opinion reflect a change in the operator's circumstances; or*
- *where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.*

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- *in accordance with any relevant Code of Practice issued by the Gambling Commission;*
- *in accordance with any relevant guidance issued by the Gambling Commission;*
- *reasonably consistent with the licensing objectives; and*
- *in accordance with the authority's statement of principles.*

The request for the review will also be subject to the consideration by the

authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

- (a) add, remove or amend a licence condition imposed by the licensing authority;*
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;*
- (c) suspend the premises licence for a period not exceeding three months; and*
- (d) revoke the premises licence.*

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- *the licence holder*
- *the applicant for review (if any)*
- *the Commission*
- *any person who made representations*

- *the chief officer of police or chief constable; and*
- *Her Majesty's Commissioners for Revenue and Customs*

PART C

Permits/Registrations/Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under **section 24**. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.8)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.9)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with

unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – {Schedule 13 paragraph 4(1)}

Entitlement (Automatic): two machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority has no discretion to consider or turn down a notification but can 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 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);*
- *the premises are mainly used for gaming; or*
- *an offence under the Gambling Act has been committed on the premises.*

Entitlement (Permit): Three or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed 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. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of

the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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 that applied for. Conditions (other than these) cannot be attached.

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

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- *that they understand the limits to stakes and prizes that are set out in Regulations;*
- *that the gaming offered is within the law*
- *Clear policies that outline the steps to be taken to protect children from harm.*

In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission Guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach 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 Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories **B3A, B4, C or D**), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "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.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "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."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.Small Society Lotteries

The local authority is responsible under the Act for the registration of small lotteries in its area. Sec 2 of the Act defines 'licensing authorities' and sec 25 defines 'local authorities' and both are given the same definition. Therefore, in the interests of consistency the Gambling Commission's guidance refers to 'licensing authorities' as opposed to 'local authorities' under part 34.

Small society lotteries are non-commercial lotteries with prescribed financial limits and are:

- *For charitable purposes or*
- *For purposes of enabling participation in, or supporting sport, athletics or cultural activity or*
- *For any other non-commercial purpose other than private gain.*

As part of the registration, the applicant will be required to inform the licensing authority for what purpose the society is established.

The licensing authority will refuse applications for registration where it considers that:

- *That the society in question cannot be deemed to be non-commercial, or*

- *A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or*
- *The information provided in or with the application for registration is false or misleading, or*
- *An operating licence held by the applicant for registration has been revoked or, an application for an operating licence made by the applicant for registration has been refused, within the past five years.*

The licensing authority will revoke the registered status of a society if it thinks that it would have had to, or would be entitled to refuse an application for registration if it were being made at that time.

6. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

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

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

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

7. Occasional Use Notices:

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Insert name and address of relevant licensing authority and its reference number (optional).]

Local Gambling Risk Assessment

Premises Name:

Premises Licence Number (If Applicable):

Premises Address:

Post Code:

Category of gambling premises licence:

Name of person completing the assessment:

Date original assessment carried out:

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

b) Ensuring that gambling is conducted in a fair and open way

Insert name and address of relevant licensing authority and its reference number (optional).]

c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

d) Control measures (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

Describe the steps you intend to take to promote the three licensing objectives:

ACTIONS FOLLOWING ASSESSMENT

AREA e.g local area, gambling operation, premises design	PERSON/DEPT TASKED	DATE TASKED	DATE TASK COMPLETED

Signed:

Date:

PRINT NAME:

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41

<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

Scrutiny Annual Report 2014/15

Health & Adult Care

Co-operative & Communities

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Housing, Economy & Infrastructure

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Chair's Foreword

This report demonstrates the range of issues that the Scrutiny Committees have worked on over the last 3 years. As well as scrutinising the services provided by the Council and holding the Council's Executive Members to account, I am pleased that the Committees continue to work with other organisations across Telford and Wrekin. The Joint Health Overview and Scrutiny Committee continues to look at the provision of health services and the Children and Young People's Scrutiny Committee met with 11 different organisations as in the first stage of the review on multi-agency working against child sexual exploitation.

As the financial pressures on the Council and other public sector organisations continue, there will be difficult decisions about the Government cuts that we will have to implement. The Scrutiny Committees will continue to look at the financial impact of these decisions and also the effect of the Government cuts on our service users and local communities.

I want to thank everyone who has contributed to the work of the Scrutiny – the members of the committees, officers who have worked with us, service users, partner organisations, and the Cabinet Members who have been held to account by the Management Board and responded positively to our recommendations.

Cllr. Shirley Reynolds
Lead Scrutiny Member
Chair of Scrutiny Management Board

Purpose of Scrutiny

Scrutiny was established in local authorities by the Local Government Act 2000. It was intended as a counter-weight to the new executive structures created by the Act (elected mayors or leaders and cabinets). Scrutiny's role was to develop and review policy and make recommendations to the Council. The current legislative provisions for overview and scrutiny committees are mostly contained in the Localism Act 2011, which inserts several new sections into the 2000 Act largely around scrutiny of external organisations.

Telford & Wrekin Council is made up of 54 elected members but only nine of them are in the Cabinet (Executive) which is the main decision making body of the Council. This places a lot of responsibility with a small number of elected members.

Scrutiny is a way for elected members who are not in the Cabinet to be involved in shaping the work of the Council. Scrutiny members can also scrutinise local NHS services and services provided by some other organisations. Scrutiny acts as the voice of local people to ensure council policies and decisions are in the best interest of residents and make the best use of available resources.

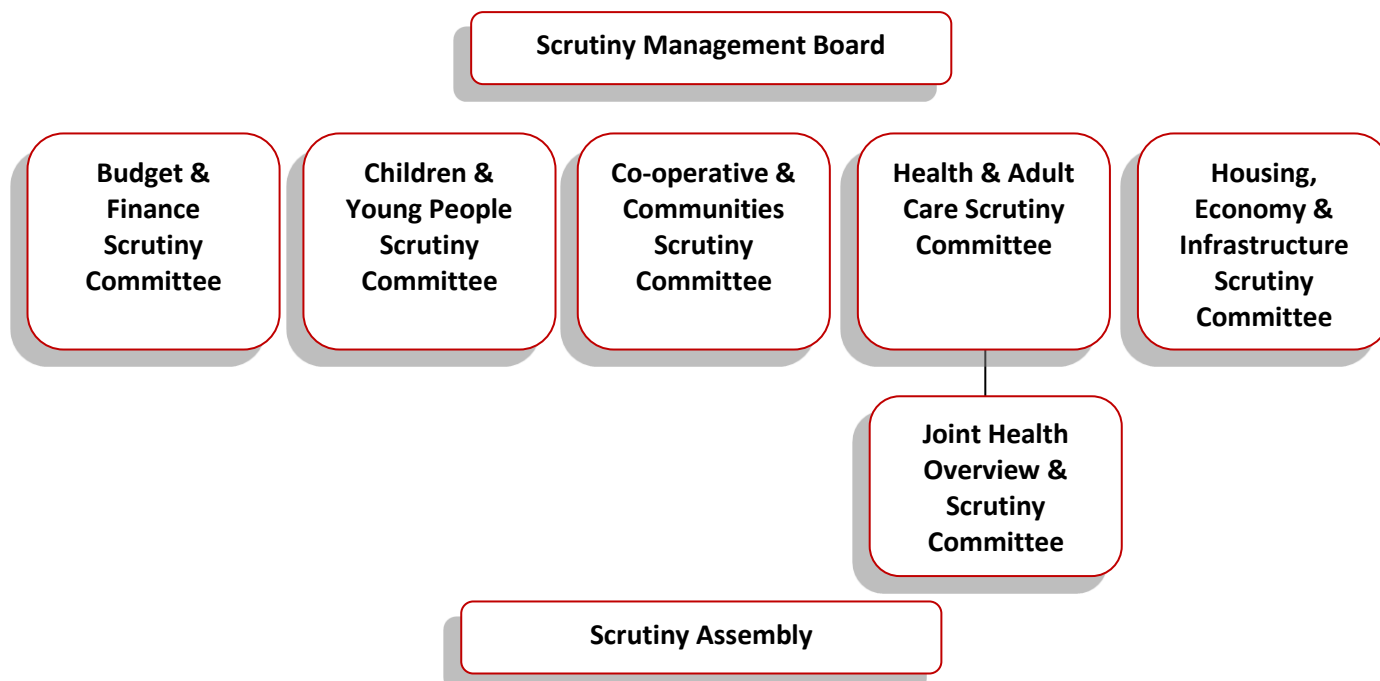
Scrutiny works in two main ways:

- a) By "holding to account" Cabinet members and other decision makers. Scrutiny can question and challenge Cabinet members (or other decision makers) in public about their decisions and about service performance. This helps ensure that decisions are transparent and in the best interest of local people.
- b) By carrying out reviews of particular issues or services. Scrutiny can investigate any Council service, or services delivered by some other organisations, and make recommendations to Cabinet or where appropriate to partner organisations. The Cabinet does not have to accept scrutiny's recommendations but must respond in public to say why. An important part of scrutiny work is to seek the views of service users, providers and members of the public as appropriate.

Scrutiny work is carried out by scrutiny members who sit on Scrutiny Committees. The Scrutiny Committees and their work are described in the following sections of this report.

Scrutiny Arrangements

During 2014/15 Telford and Wrekin Council had five Scrutiny Committees and a Scrutiny Management Board. The diagram below shows the scrutiny committee structure.



Scrutiny Assembly

The Scrutiny Assembly is the collective term for all scrutiny members (all elected councillors except Cabinet members and the Mayor) and scrutiny co-optees. The co-optees are members of the public and Town & Parish Councillors who have been appointed to a scrutiny committee for their expertise or to represent certain organisations or groups. The Scrutiny Assembly is consulted on decisions affecting scrutiny and the way it is carried out.

Scrutiny Committees

The scrutiny committees are the main vehicles for carrying out scrutiny work. There are eight elected members on each committee who are appointed at Annual Council in line with the political balance of the Council, of one whom is appointed as Chair. There are also between one and six co-optees on each Committee. The Committees decide their own work programme and some reviews may be carried out jointly by more than one committee. The main meetings of the committees are held in public and the agendas and papers are published on the Council's website: http://www.telford.gov.uk/site/scripts/documents_info.aspx?categoryID=200033&documentID=461

Scrutiny Management Board

The Scrutiny Management Board is made up of the Scrutiny Chairs and other scrutiny members to make the Board politically balanced, currently seven in total. The Board is responsible for strategic oversight of the scrutiny function and determining

the priorities for scrutiny, the allocation of resources and performance monitoring. The Board holds Cabinet members (“the Executive”) to account at their meetings, and may scrutinise matters of strategic importance that cut across the remit of the individual scrutiny committees. All of the Board’s meetings are held in public.

Scrutiny Work Programme

In July 2012 the Scrutiny Management Board agreed to set a 2 year work programme. It was decided at the beginning of the 2014/15 municipal year that, as it was necessary to continue to scrutinise some of these areas and that the time allowed for scrutiny would be less than a full year due to the elections in May 2015 that the work programme would be extended for a 3rd year. During the year the Children and Young People's Scrutiny Committee decided to carry out an in-depth review on multi-agency working against child sexual exploitation.

Delivery of the work programme

The table below shows the work undertaken by the Scrutiny Committees over the 3 year work programme.

Topic	2012/13	2013/14	2014/15
SCRUTINY MANAGEMENT BOARD			
Holding the Executive to Account	G	G	n/a
Planning Scrutiny work Programme 2014/15	n/a	n/a	G
Scrutiny Chairs' Updates (standing item)	G	G	G
Changing the Council & Local Communities Together- the Co-operative Way	G	n/a	n/a
Strategic Vision for the Council	n/a	n/a	G
Police & Crime Commissioner (PCC) and Police & Crime Panel (PCP) update and budgets	G	G	R
Domestic Violence	R	G	n/a
Community Safety Plan	n/a	G	n/a
Homelessness Strategy	R	G	n/a
Flood & Water Management (annual scrutiny recommended)	R	G	R
Public Health Transition	R	G	n/a
Appointment of Town & Parish Council co-optees	G	n/a	n/a
Scrutiny Recommendations Database	A	A	R
Managing cross-cutting issues	G	n/a	G
Changes to the Constitution and Scrutiny Handbook from changes to legislation	A	G	n/a
Choose Your Home (Access to Affordable Housing)	n/a	n/a	G
Adult Safeguarding and Care Act update (Joint with HACSC)	n/a	n/a	G
Housing Allocations Policy	n/a	n/a	R

Topic	2012/13	2013/14	2014/15
Scrutiny Work Programme Half Year Report	n/a	n/a	G
BUDGET & FINANCE SCRUTINY COMMITTEE			
Service & Financial Planning Strategy (budget proposals) (standing item)	G	G	G
Service & Financial Planning Report – 2011/12 Outturn	G	n/a	n/a
Local Government Finance: Business Rates Retention, New Homes Bonus etc.	G	n/a	/n/a
Capital receipts (Audit Committee)	G	n/a	n/a
Savings proposals agreed September 2012	G	n/a	n/a
New Funding Formula for Schools	G	n/a	n/a
Welfare Benefit Reform policies (with Co-operative & Communities)	G	G	G
Safeguarding and Early Intervention Cost Improvement Plan, and Securing Permanency report	G	G	n/a
Opposition group alternative budget proposals	n/a	G	G
Working with partners / shared services	n/a	n/a	R
Section 106 Annual Report			R
Benefit Fraud (joint with Audit Committee)			G
CHILDREN & YOUNG PEOPLE SCRUTINY			
Children in Care Placement Strategy (in-depth review)	G	n/a	
Provision of Primary School Places (in-depth review)	A	G	G
Youth Offending Service	R	G	n/a
Ofsted action plan (Safeguarding and LAC)	G	G	n/a
Ofsted action plan (Fostering)	G	G	n/a
CIC Performance Monitoring Dashboard	G	G	G
Education attainment	G	G	G
Youth Unemployment (In-depth review Youth Services)	R	A	G
LCSB briefing	G	R	G
Early Intervention programmes (in-depth review)	R	R	R
Leaving Care Grant	n/a	G	n/a
Care Placement Budget (with Budget & Finance)	n/a	G	n/a
Feedback from LGA Peer Review	n/a	G	n/a
Monitor implementation of recommendations incl:	n/a	G	n/a

Topic	2012/13	2013/14	2014/15
<ul style="list-style-type: none"> IRO Annual Report Outcomes from Queensway Care Contract Missing children return interviews 			
School Improvement	n/a	G	G
Multi-Agency working Against CSE (in-depth review)			A
Early help			R
SEND (Special Educational Needs and Disability) Reforms			R
CO-OPERATIVE & COMMUNITIES SCRUTINY			
Co-operative Council updates	G	G	G
Welfare Benefit Reforms: Council Tax Support Scheme Discretionary Housing Payments Local Crisis and Resettlement Assistance	G	G	
Welfare Benefit Reforms: How the Council and partners are supporting people through changes	A	n/a	n/a
First Point for Business update	G	n/a	n/a
Impact of changes to leisure concessions policy	G	n/a	n/a
In-depth review of Co-operative Values and Employee Commission	A	G	G
Provision of debt advice, role of credit union, capacity of food banks	R	G	n/a
Implications of the withdrawal the Local Crisis Assistance and Resettlement Assistance funding	n/a	G	n/a
Support for people who have had their benefit sanctioned	n/a	G	G
Impact of recommendations on the Management of Community Centres	n/a	G	n/a
Community Loan Scheme	n/a	n/a	G
Community Centre business Plans	n/a	n/a	R
HEALTH & ADULT CARE SCRUTINY COMMITTEE			
Continuing Healthcare	G	A	A
Meals on Wheels	A	G	
Children and Adolescent Mental Health Services (CAMHS)	R	R	n/a
Alcohol Strategy	R	G	A
Vulnerable Adult Safeguarding Board Annual	R	G	G

Topic	2012/13	2013/14	2014/15
Report (Joint with SMB in 2014/15)			
Standing item: Health and Social Care Policy Developments (including changes to Health Scrutiny)	G	G	n/a
JOINT HEALTH OVERVIEW & SCRUTINY			
Travel and Transport Plan	A	G	n/a
Stroke Review	A	G	n/a
West Midlands Ambulance Service and Make Ready	A	A	n/a
Reconfiguration of Hospital Services	A	G	G
111 Service	A	G	n/a
Ophthalmology	G	n/a	n/a
SaTH Foundation Trust Application	A	n/a	n/a
Relocation of Head and Neck Surgery	G	n/a	n/a
Children's Surgery	A	G	G
Emergency Department Review	A	A	n/a
End of Life Care	R	R	n/a
Future Fit	n/a	n/a	G
HOUSING, ECONOMY & INFRASTRUCTURE			
Waste Services Procurement process	A	G	n/a
Empty Properties and Private Landlords (in-depth)	A	G	G
S106 / CIL (deferred in line with Shaping Places)	R	R	A
Business Improvement Districts and attracting jobs to Telford & Wrekin	R	R	n/a
Car Parking Enforcement and 20mph speed limits outside schools (<i>deferred</i> until 2016)	R	R	n/a
Questions to Cabinet member for holding to account session	G	n/a	n/a
Shaping Places consultation process	n/a	G	n/a
Governance of LEP	n/a	n/a	A
Marches Local Transport Body	n/a	n/a	R

- G** Item has been to scrutiny including where further work was identified
- A** Item under way and partially completed
- R** Item outstanding or deferred beyond the period of the work programme

Scrutiny Meetings

The Scrutiny Management Board set a benchmark of six formal meetings per committee per year. The scrutiny committees hold as many meetings as possible in public session in the interests of transparency and public involvement. However, members may hold informal working group meetings to gather evidence as part of a scrutiny review.

The table below shows the number of meetings held by each committee during each of the last 3 years and the total over the period. Joint meetings have been accredited to the lead Scrutiny Committee to avoid duplication.

Committee	Benchmark total	Formal committee 2012/13	Working group 2012/13	Formal committee 2013/14	Working group 2013/14	Formal committee 2014/15	Working group 2014/15	Total 2012/15
Scrutiny Management Board	18	6	0	4	2	3**	1	16
Budget & Finance	18	7	0	7	1	6*	0*	21
Children & Young People	18	6	4	7	4	5	1	27
Co-operative & Communities	18	4	4	3	1	2	1	15
Health & Adult Care and Joint HOSC	18	8	11	7	4	3* **	8*	41
Housing, Economy & Infrastructure	18	1	5	2	6	1**	0	15
Total	108	32	24	30	18	20	11	135

*the Budget and Finance and Health and Adult Care Scrutiny Committees held 1 joint committee meeting and 1 joint working group meeting during 2014/15

**Members of the Housing, Economy and Infrastructure Scrutiny Committee attended the Scrutiny Management Board meeting that considered implementation of Telford Housing Options and led to the report on Access to Affordable Housing.

Members of the Health and Adult Care Scrutiny Committee attended the Scrutiny Management Board meeting that considered the Adult Safeguarding Board Annual Report and update on the Care Act.

Not reported in the table are:

- Other council meetings attended by scrutiny members to avoid duplication of work e.g. Budget & Finance scrutiny work with Audit Committee on debt fraud.
- Chair’s briefings with officers from partner organisations and NHS partners
- Scrutiny Chair “Keep in Touch” meetings with Cabinet Members and senior Council officers
- Regional and national scrutiny network meetings e.g. West Midlands Overview & Scrutiny Network, West Midlands Health Scrutiny Network, National Overview & Scrutiny Forum.

Outcomes from scrutiny

The tables in the preceding sections are quantitative measures of activity. The table below attempts to show the qualitative outcomes of scrutiny work. The indicators used are all measures of effective scrutiny. The table includes work carried out during 2014/15 only. Outcomes from work carried out in 2012/13 and 2013/14 were reported in the 2013/14 end of year report and in the 2012/13 Annual Scrutiny Report.

Topic	Recommendations to Cabinet / Council	Recommendations to other organisation	Recommendations to service area	Contributed to policy development	Executive held to account	Performance monitoring	Report noted	Involvement of partners	Involvement of service users or public	Other
Scrutiny Management Board										
Access to Affordable Housing	Y			Y	Y		Y	Y		
Scrutiny Work Programme						Y				
Agreeing Process to Scrutinise Budget Proposals										Process agreed
Safeguarding Adults in Telford and Wrekin						Y				
Strategic Vision for the Council					Y		Y			
Scrutiny Chairs’ Updates							Y			
Budget & Finance Scrutiny Committee										
Service & Financial Planning Strategy 2014/15-2015/16 (budget proposals)	Y			Y	Y					
Opposition group	Y									

Topic	Recommendations to Cabinet / Council	Recommendations to other organisation	Recommendations to service area	Contributed to policy development	Executive held to account	Performance monitoring	Report noted	Involvement of partners	Involvement of service users or public	Other
alternative budget proposals										
Adult Care Budget and Savings (Joint with Health and Adult Care Scrutiny Committee)				Y		Y			Y	
Benefit Fraud (Audit Committee)						Y				
Children & Young People Scrutiny Committee										
Review of Youth Unemployment	Y			Y	Y	Y		Y	Y	
Monitoring recommendations of Scrutiny Review of Provision of Primary School Places						Y				
School Improvement						Y				
Education Attainment						Y				
CIC Performance Monitoring Dashboard						Y				
Recruitment and retention of social workers						Y				
Taking Parents out of school							Y			
Review of multi-agency working against CSE					Y			Y	Y	
Co-operative and Community Scrutiny Committee										
Welfare Benefit Reforms (with Budget & Finance) Supporting vulnerable people who have had their benefits sanctioned	Y					Y		Y		
Community Loan Scheme										Verbal update to working group meeting
Update on implementation of recommendations from										Update to meeting

Topic	Recommendations to Cabinet / Council	Recommendations to other organisation	Recommendations to service area	Contributed to policy development	Executive held to account	Performance monitoring	Report noted	Involvement of partners	Involvement of service users or public	Other
review of Co-operative Values and Employee Commission										24 th March
Health & Adult Care Scrutiny Committee										
Continuing Healthcare						Y		Y		
Meals on Wheels	Y			Y				Y	Y	
Adult Safeguarding Annual Report and Care Act Update (with SMB)						Y	Y			
Adult Care Budget and Savings (Joint with Budget and Finance Scrutiny Committee)				Y		Y			Y	
Alcohol Strategy										Not completed
Shropshire and Telford & Wrekin Joint Health Overview & Scrutiny Committee										
Future Fit		Y		Y				Y		
Review of modernisation of mental health services including Castle Lodge		Y		Y		Y		Y		
Update on work of the Shropshire Community Health Trust							Y	Y		
Housing, Economy & Infrastructure Scrutiny Committee										
Bus Subsidy	Y			Y						
Update on Empty Properties and Private Landlords										Update circulated to Members
Shaping Places consultation process S106 / Community Infrastructure Levy										Briefing circulated to Committee
Access to affordable housing (Joint with Scrutiny Management Board)	Y			Y	Y		Y	Y		

4.4 Scrutiny Recommendations

A key measure of success is the number of scrutiny recommendations accepted. The table below summarises the number of recommendations made, the number of recommendations accepted, partially accepted or rejected and a list of the formal responses submitted as part of consultations or policy development. Not shown in the table are the numerous informal suggestions made by scrutiny to Cabinet members or officers during discussions at meetings which are not monitored but may nonetheless have had an impact.

Summary of Recommendations 2014/15						
Recommendation made to:	Made	Accepted	Rejected	Partially accepted	Awaiting response	Unknown
Cabinet	36	29 (80%)	2(6%)	5(14%)	0 (0%)	0
SMT / service area	0	0	0	0	0	0
Employees	0	0	0	0	0	0
Scrutiny	2	2	0	0	0	0
External organisations	23	23 (100%)	0	0	0	0
Total	59	52(88%)	2 (4%)	5 (8%)	0 (0%)	0 (0%)
Formal responses to consultations	<ul style="list-style-type: none"> • Service & Financial Planning Strategy 2015/16-2017/18 • Main Opposition Group Budget Proposals • HM Treasury and Communities and Local Government Service Transformation Panel • To be completed - Quality Accounts for Shrewsbury and Telford Hospital NHS Trust, West Midlands Ambulance Service, Shropshire Community Health NHS Trust and South Staffordshire and Shropshire Healthcare Foundation Trust. 					

* NHS organisations have responded to the recommendations regarding Future Fit and the Review of the Modernisation of Mental Health Service. However, as these are ongoing programmes some responses require further information or clarification as the programmes progress.

Regional and national scrutiny work

Regional and National Scrutiny Network

Telford & Wrekin is a member of two regional scrutiny networks:

a) West Midlands Overview & Scrutiny Network

The network is for members and officers across the region to exchange information on policy changes affecting scrutiny and to share views and experience on scrutiny related issues. The network has no formal standing as a joint scrutiny committee but has started to make its mark nationally for its pioneering work.

The Lead Scrutiny Member in Telford & Wrekin was appointed Chair in 2013/14 and reappointed in 2014/15. The Network has continued to develop links with Parliamentary Select Committees which has resulted in the development of a Good

Practice Guide for Local Government Scrutiny working with Parliament. Members of the Network also visited West Minster and met with the Chair of the Communities and Local Government Select Committee, the Clerk of this Select Committee and attended the Select Committee meeting in the public gallery. Both of these pieces of work have been supported by the West Midlands Parliamentary Outreach Officer. The Network also started to develop a working relationship with SOLACE (Society of Local Government Chief Executives) and met with Mark Rogers, President of SOLACE.

b) Regional Health Scrutiny Chairs and Officers Group

The purpose of this network is to provide a forum for national and regional health bodies and policy makers to inform scrutiny about proposals and consultations affecting health services in the West Midlands. It is also a forum for discussing and exchanging views between member authorities.

The Chair of the Health and Adult Care Scrutiny Committee attended all of the meetings in 2014/15 which included working with the Care Quality Commission, NHS England, developing regional health scrutiny in response to the 2014 regulations. The information is used to inform the work of the Health & Adult Care Scrutiny Committee and the Joint Health Overview & Scrutiny Committee.

Call-in and Key Decisions

Call-in

Call-in is a way for scrutiny members to examine a decision taken by Cabinet, or by officers under delegated authority, before the decision is implemented. The rules for calling in decisions are set out in the Council's Constitution and in the Scrutiny Handbook. Under the LEP Governance Arrangements the Housing Economy and Infrastructure Scrutiny Committee will consider call-in of decisions of the LEP Joint Executive Committee.

There were no Call-in requests to Telford & Wrekin Scrutiny Management Board during 2014/15. (Herefordshire Council's General Overview and Scrutiny Committee met in January 2015 to consider the call-in of the Marches Local Enterprise Partnership Joint Executive Committee's decision on the Marches Enterprise Zone taken on 11 December.)

Key Decisions

Provisions in the Localism Act 2011 require that:

- Where a Key Decision is not published with 28 clear working days notice, the relevant Scrutiny Chair must be notified of the decision to be taken, or
- Where a Key Decision is not published with 5 clear working days notice, consent must be sought from the relevant Scrutiny Chair for the decision to be taken, or

- Where a decision contains information exempt under legislation and at least 28 clear days notice has not been given, consent must be sought from the relevant Scrutiny Chair for the report to be exempted.

Six requests were made during 2014/15:

July 2014 - Request for exemption of Item not published as such in the Notice of Key Decisions and Private reports / meetings. Cabinet Decision: Revision of RIPA policy document to be noted. Appendix of the report included the Office of Surveillance Commissioners Inspections Report which is a restricted document.
Decision of Scrutiny Chair: Request Approved.

September 2014: Notification of Key Decision not included in the Notice of Key Decisions. Cabinet decision: Approval of prudential borrowing to meet conditions of HCA funding agreement regarding gypsy and traveller site.
Scrutiny Chair notified.

October 2014: Request for exemption from Call-in. Cabinet decision: termination of existing agreement between the Council, Sainsbury's and St. Modwen in relation to the sale of Station Road, Newport site and to seek approval for residential led development of land at Station Road, Newport. Decision of Scrutiny Chair: Request Approved.

November 2014: Request for exemption of Item not published as such in the Notice of Key Decisions and Private reports / meetings. Cabinet decision. Report on rationalisation of Property Investment Portfolio containing commercially sensitive information.
Decision of Scrutiny Chair: Request Approved.

December 2014 Notification of Key decision not Included in the Notice of Key Decision. Joint LEP Executive Committee Decision: Marches Growth Deal, Proposition for the Retention of Receipts from Proactive Stewardship of HCA Land Assets.
Scrutiny Chair notified.

February 2015: Approval of Key Decision not Published in Notice of Key Decisions. Cabinet Decision: Procurement update not included in notice of key decisions through administrative omission.
Decision of Scrutiny Chair: Request Approved.

In May 2015 Full Council decided to change the number and remit of the Scrutiny Committees. There are now four Scrutiny Committees and the Scrutiny Management Board:

- Children and Young People Scrutiny Committee
- Customer, Community and Partnership Scrutiny Committee
- Finance and Enterprise Scrutiny Committee
- Health and Adult Care Scrutiny Committee (including the Shropshire and Telford & Wrekin Joint Health Overview and Scrutiny Committee)
- Scrutiny Management Board

Full details of these Committees can be found at
<http://apps.telford.gov.uk/CouncilAndDemocracy/Committees>

Information on the work carried out by the Scrutiny Committees during the first part of 2015/16 can be found in the Scrutiny Work Programme Interim Report presented to Scrutiny Management Board on the 4th November

<http://apps.telford.gov.uk/CouncilAndDemocracy/Meetings/Meeting/MTQwNw%3d%3d>

Contacts

To find out more about scrutiny, go to:

www.telford.gov.uk/scrutiny

To find meeting dates and agendas for scrutiny meetings go to:

http://www.telford.gov.uk/site/scripts/documents_info.aspx?categoryID=200033&documentID=461 or call the Scrutiny Team on 01952 383118.

If you would like to contact a member of the Scrutiny team, our contact details are below:

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How to get involved

You can get involved with scrutiny by:

1. Finding out more from our website at:
<http://www.telford.gov.uk/info/1031/scrutiny/253/scrutiny>
2. Making a suggestion about what you think scrutiny should look at. You can do this by filling in an online suggestion form at:
<http://www.telford.gov.uk/info/1031/scrutiny/253/scrutiny/5>
3. Coming along to a scrutiny meeting. Our meetings are held in public unless there is a good reason not to. Agendas and papers are on the Council's website at:
http://www.telford.gov.uk/info/200033/councillors_democracy_and_elections/461/council_meetings/
4. If you would like to give evidence to a Scrutiny Committee for a review which is on the work programme, please contact the Scrutiny Team. The list of topics which may be scrutinised in 2014/15 can be found at:
http://www.telford.gov.uk/downloads/file/6961/scrutiny_work_programme_201415

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 15 September 2015 at 6.00pm in Meeting Room G3, Addenbrooke House, Ironmasters Way, Telford, Shropshire

PRESENT: Councillors R Sloan (Chair), C F Smith (Vice Chair), I T W Fletcher, and S A W Reynolds.

IN ATTENDANCE: Mr I Pennington (Director at KPMG), Mr A Bunting (Assistant Manager at KPMG) and Cllr A England (for Agenda items 7 and 8)

OFFICERS: P Taylor (Director of Care, Health & Wellbeing) J Eatough (Assistant Director: Law, Democracy & People Services), A Astley (Assistant Director: Neighbourhood & Customer Services), R Smith (Assistant Director: Adult Social Services) C Jones (Assistant Director: Family, Cohesion & Commissioning) P Harris (Finance Manager - Corporate Finance & Customer Services), J Marriott (Audit & Information Governance Manager), B Morris (Finance Team Leader), R Montgomery (Information Governance Team Leader), J Power (Delivery and Planning Manager) and J Clarke (Democratic Services Support Officer).

AUC-14 APOLOGIES FOR ABSENCE

Councillors W L Tomlinson and D G Wright

AUC-15 DECLARATIONS OF INTEREST

None.

AUC-16 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on 30 June 2015 be confirmed and signed by the Chair.

AUC-17 REPORT OF THOSE CHARGED WITH GOVERNANCE

Mr I Pennington and Mr A Bunting, KPMG, gave a joint overview of the headlines from within the report of those Charged with Governance.

This report linked with the 2014/15 Statement of Accounts which was also before Audit Committee at Agenda item 5 of the meeting.

KPMG informed members that this had been a good audit and it was anticipated an unqualified audit opinion on the Authority's financial statements would be issued by 30 September 2015.

During the audit of the financial statements no material adjustments were identified, although there were a number of presentational adjustments required and these have been adjusted accordingly. There was no impact on the General Fund.

From the External Audit Plan 2014/15 KPMG identified the following key financial audit risks:

- Management Override of Controls
 - No instances were identified during KPMG's work
- Fraudulent Revenue Recognition
 - No specific work was required in this area
- Accounting for Local Authority Maintained Schools
 - KPMG had worked with officers during the year regarding risk and detailed findings. No matters of any significance arose as a result of the audit work
- Group Accounting
 - This risk did not materialise during the year as the subsidiary company had not yet been established at the end of the financial year

There was a recommendation at page 15 of the report regarding manual work-arounds for Fixed Asset Register. This needed some modernisation and it was recommended that the Authority should proceed with the planned introduction of the Agresso Asset Module. This did not impact on the accounts and no assets were unvalued.

A letter of representation needed to be signed and submitted by the Local Authority before KPMG could issue their opinion.

At the time of issuing the report KPMG's audit of the financial statements was substantially complete and KPMG confirmed that they had complied with the requirements on objectivity and independence in relation to this year's audit of the Authority's financial statements.

The Value for Money (VFM) opinion was complicated and testing had been undertaken on areas, processes and controls of:

- Procurement
- Budget Monitoring

Two specific risks had been identified in the External Audit Plan 2014/15:

- Savings Plans
 - Savings plans were in place across the organisation which included procurement and staff. Under/over spend was being regularly monitored. Budget underspends helped offset the overspends on Adult and Children Services
- Commercial Projects
 - This related to ensuring the Authority made their decisions properly

In conclusion, the Authority had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources and as a result it was anticipated issuing an unqualified VFM conclusion by 30 September 2015.

AUC-18 2014/15 STATEMENT OF ACCOUNTS

The Finance Manager gave the Committee an overview of the Audited Accounts which were before them for approval.

The draft accounts had been placed on the website for public inspection on 30 June 2015.

Members of the Audit Committee had attended at a training session on the Accounts prior to the Committee Meeting.

A six page summary of the accounts would be published on the website once the accounts had been signed off by KPMG.

A discussion took place including:

- Draft accounts available on website for public inspection
- 6 page summary of accounts to be put on website
- Unqualified opinion with no financial adjustments
- Outturn report and the underspend

The Chair congratulated all of the officers who had taken part in the audit and the preparation and strength of procedures that helped KPMG sign off with an unqualified opinion

RESOLVED that:

- a) **the 2014/15 Statement of Accounts be approved;**
- b) **delegated authority to the Assistant Director: Finance, Audit & Information Governance to make any presentational changes required to the Statement of Accounts prior to publication be granted; and**
- c) **the updated (for minor presentational changes) Annual Governance Statement be approved.**

AUC-19 CUSTOMER FEEDBACK PERFORMANCE 1ST APRIL 2014 – 31ST MARCH 2015

The Assistant Director: Neighbourhood & Customer Services presented the report on performance from 1st April 2014 until 31st March 2015.

In summary, it was asked that it was acknowledged that there had been a relatively small number of complaints registered compared to the number of services provided by the Council on a daily basis against a backdrop of having delivered £70m savings during the last 6 years.

This was an extremely positive and pleasing report in that the number of complaints received during 2014/15 had reduced by 22%. During the reporting period 787 corporate complaints had been received and following investigation 30% were partly or fully upheld as against 54% during 2013/14.

During the reporting period 558 compliments had been received which was a slight decrease of 6% from the previous year, with the highest volume of compliments being received by front-line services.

The Assistant Director was also pleased to report that 85% of Stage 1 complaints were responded to within 15 working days, which met the Council's target of 83%.

Details of the complaints could be found at 4.1 to the report which included:

- Council Tax & Benefit Service
 - 183 for year (136 & 58) with approximately 50% upheld mainly due to processing errors and delays
- Refuse & Kerbside
 - Complaints decreased from 283 during 2013/14 to 95 during reporting period from approximately 3.6m collections. Of this, 54% had elements upheld due to missed pull outs and collections, bins/boxes not being returned and receptacles being taken/not delivered and spillages. Missed collections had reduced by 20% and missed assisted collections by 22% which had been attributed to robust contract monitoring.
- Leisure Centres
 - 64 complaints had been received out of 1.2m visitors per year. Of the 64 complaints, 34% were fully upheld and these related to the level of service and facilities available, equipment failure and the temporary closure of Oakengates Leisure Centre
- Customer Contact Centre
 - 62 complaints had been received from approximately 279,000 customer contacts during the reporting period, of those 49% had elements upheld mainly due to waiting times. The Assistant Director was aware of the challenges at some points during the working day and a new phone system had been installed within the contact centre with the ability for customers to request a call back. Channel shift had also been introduced in order to minimise the calls ie Everyday Telford app. Two full time staff had been moved to the contact centre in order to improve response times. The team continued to improve taking on board lessons learnt.
- Planning
 - 36 complaints had been received 30% of which had elements upheld around the lack of consultation and responses to enquiries together with administrative processing errors.

- Libraries
 - 26 complaints had been received 40% of which had elements upheld predominately around computer performance. All of the computers had now been upgraded to an acceptable standard.

With regard to adult's and children's statutory complaints, for the reporting period 140 complaints had been received:

Adults – 64 complaints, 37.5% of which had elements upheld and 40% responded to within 32 days.

Children – 76 complaints, 35% of which had elements upheld and 52% were responded to within 20 working days.

Further work was needed to improve performance in both of these areas.

There had been a total of 254 MP Enquiries; 185 from David Wright MP and 60 from Mark Pritchard MP. A further 9 enquiries had been submitted by other MPs. All enquiries were dealt with within an acceptable timescale.

A total of 848 Member enquires and 717 Parish enquiries had been received by the Customer Quality Team and 99% had been dealt with on target.

With regard Ombudsman enquiries, 28 new enquiries had been received of which 16 had been investigated. Outcomes of these investigations were listed at 4.6.2 of the report with lessons learnt being appended at Appendix D.

Freedom of Information requests were a growing trend with some 1,126 requests being received which was an average of 94 per month and an increase of 5% from the last year. These requests were resource intensive against a backdrop of savings. The Local Authority responded to these very quickly whereas other Councils did not always respond.

A discussion took place including:

- Good improvements
- Scrutiny looking into call waiting
- Fewer requests going to Stage 2
- FOIs

Following the discussion it was:

RESOLVED – that the information within the report, particularly the decrease in complaints received and the reduction in the percentage of those complaints that have been fully or partly upheld be noted.

AUC-20 ADULT SOCIAL SERVICES UPDATE

The Director of Care, Health and Wellbeing and the Assistant Director: Adult Social Services, together with the Assistant Director: Adult Social Services; Assistant Director: Family, Cohesion & Commissioning and the Cabinet Member: Adult Social Care gave a verbal update on the current position regarding the new IT Systems and the unbilled income.

IT Systems

Although they had previously reported their confidence in having the new systems in place by September 2015 the project had been very challenging and had proved more complicated than expected, but were now 100% confident that the full upgrade could be achieved by March 2016.

It had recently been recognised that there needed to be a clear ownership of the Abacus and CareFirst systems and a responsibility for these systems to be brought up-to-date. During November 2014 ownership and responsibility had been transferred to the Service Delivery Manager: Service Improvement and Efficiency who had needed to put in place interim systems and financial controls to deal with unbilled income whilst the lengthy process of integrating the systems took place.

Discussions had taken place with ICT colleagues, the Abacus supplier and other Local Authorities who used the system and it was realised that the interfacing of the two systems was a more complex issue than first thought together with the system needing to be Care Act compliant. This would require significant changes to performance and client records needed to be updated in order to capture the SALT (Short and Long Term Care) returns.

The interface between CareFirst and Abacus was not compatible and as a result it had been recognised that the system would require a partial rebuild. The changes were of a significant number and included:

- Residential Payments Extranet
- CareFirst Client Interface with Abacus
- Deferred Payments Module (Care Act)
- Service Order/Contract Shape changes
- Direct Payments Module

Although this was an issue they were confident that the interim solutions ensured financial control.

A discussion took place regarding the Abacus and CareFirst systems which included:

- If completion was not taking place until March 2016 a progress report needed to come back to Committee in January 2016 in order to make certain that the safeguards and controls were in place in order that these issues did not go beyond March 2016

- Concerns regarding the time, effort and money spent in integrating the two systems
- Skills to rebuild the system within the Council
- Restructured services to bring clear ownership of systems
- Significant improvement over last 6 months
- The right people in the right place to deliver the project

It was suggested that the Service Delivery Manager: Service Improvement and Efficiency and the Team Leader Business Support be invited to attend at the January 2016 meeting in order to reassure the Committee and it was asked that they bring along the project plan.

The Director of Care, Health and Wellbeing informed the Committee that there was no detrimental impact to people who required care.

Unbilled Income

Due to the inadequacies of the system it was difficult to demonstrate the area of significant concern as automated reports were not available through the system and it was also difficult to assess the loss of income.

Adult social care funding was means tested in order to prove eligibility for support. If clients were self-funders then they would be responsible for paying and arranging all of their care themselves and no other appropriate person was willing to do so, then the Authority would arrange this on their behalf and claim back the total cost. Some clients were not liable to contribute anything, whereas most others contributed on a sliding scale from £0 to £200-£300 per week on the highest level of disposable weekly income. There was concern that clients were not making contributions towards care, although this was not as severe as first thought. There were situations where customers were exempt from paying for their individual care, for example:

- If a person was under S117 of the Mental Health Act, then the Local Authority could not charge for the costs of the aftercare
- Enablement whereby up to 6 weeks of care following discharge from hospital is non-chargeable.

Without a fully integrated system this information was difficult to tie together.

Several issues had been identified and interim solutions put in place:

- Financial assessment not done early enough -
 - This was now undertaken earlier on in the process, enabling changes to commence from the earliest point;
- Checks had now been introduced on all new people entering the system on a monthly basis to ensure that billing arrangements were in place. There had been a significant improvement in the situation and within period four, 22 people had been identified where charging had not been introduced and corrective action had been undertaken.

The Care Act funding reforms had been put on hold until April 2020. These reforms would have brought more people into the Council's funding system following the raising of the capital threshold from £23,250 to £118,000. They would have also introduced complex arrangements whereby the Local Authority would pay for care costs and the individual would pay for the accommodation costs. A cap would have been introduced at £72,000 on any care spend and once this threshold had been reached the Council would have become responsible for any remaining funding. These changes would have been introduced from 1st April 2016.

The Chair suggested that if there were any comments on these issues that they be fed through to the Audit and Information Governance Manager.

AUC-21 CALDICOTT GUARDIAN ANNUAL REPORT

The Director of Care, Health and Wellbeing gave an overview with regard to the roles and responsibilities of the Council's compliance with the revised Caldicott Principles and the requirements of the Data Protection Act 1998.

The Caldicott Guardian (CG) was responsible for safeguarding and governing the uses of personal care information within the Council. He actively supported work to facilitate and enable care information sharing and provided advice on options for lawful and ethical processing of information as required. Key responsibilities were:

- Strategy & governance
- Confidentiality & data protection expertise
- Internal information processing
- Information sharing

The current CG was the Director of Care, Health and Wellbeing.

The progress on previously identified actions could be found at 4.9-4.20 of the report with the action plan for 2015-17 at 4.21 of the report.

Quarterly meetings took place with the CG/SIRO/Senior Management Team and the Information Governance Team Leader in order to discuss governance issues and actions.

Members commented that this was a comprehensive report which gave a feeling of good governance which met regulations.

RESOLVED – that:

- a) the contents of the Caldicott Guardian's Annual Report be noted; and
- b) Audit Committee receive further such reports on an annual basis commencing June 2016, with a progress update in September as part of the general Information Governance update.

AUC-22 REVIEW OF STRATEGIC RISK REGISTER – JULY 2015

The Delivery & Planning Manager presented the review of the Strategic Risk Register.

The strategic risk register enabled the Council to meet its statutory requirements under the Accounts and Audit Regulations 2015 and was a means for the Council to identify and manage the substantive issues which could impact negatively on the delivery of the Council's priorities. It is used to understand key risks and how they were mitigated and actions then put in place to manage these risks.

The register was reviewed and updated on a regular basis in order to ensure the appropriate management of these risks and to make sure they were current risks. Appendix A to the report set out the risks identified for 2015/16.

A discussion took place including:

- Significant Projects not included in register but were within the project framework
- The processes of the risk register
- Child and vulnerable adult risks

It was suggested that in order to give the Committee further assurance that the following strategic risks being managed through appropriate significant projects be brought to the January 2016 meeting:

- Single Status
- Better Care Fund and Care Act, Social Care Change Board
- Housing Investment Programme

Following the discussion it was:

RESOLVED – that the strategic risks in Appendix A be noted.

AUC-23 PUBLICATION OF INFORMATION ON COUNCILLORS WHO TRADED WITH THE COUNCIL DURING 2014/15

The Audit & Information Governance Manager presented the report on the Councillors who traded with the Council during 2014/15.

This information was collected as part of the final accounts process and represented information for 2014/15 and was reported to Audit Committee in order to improve transparency.

RESOLVED – that the contents of the report and information that would be published on the Council's website be noted.

AUC-24 AUDIT COMMITTEE ANNUAL REPORT 2014/15

The Audit & Information Governance Manager presented the Audit Committee Annual Report.

The report would be presented by the Chair to the Council meeting on the 1st October 2015.

The structure of the report had been based on the Committee's Terms of Reference and included a summary of the business conducted by the Committee during the reporting period, which could be found at Appendix A to the report.

The Audit Committee held 3 meetings per year in June, September and January, each with comprehensive agendas. In addition to the scheduled meetings there was scope to call additional meetings whenever required.

RESOLVED – To RECOMMEND to COUNCIL that the contents of the annual report 2014/15 be noted.

AUC-25 2015/16 INTERNAL AUDIT QUARTER 1 UPDATE REPORT AND INFORMATION GOVERNANCE UPDATE REPORT TO END JULY 2015

The Audit & Information Governance Manager reported on the Internal Audit Quarter 1 Update and the Information Governance Update.

The Internal Audit Quarter 1 update provided information on the work of Internal Audit from 1st April – 30th June 2015 and provided an update on the progress of previous audit reports (issued October 2012-March 2015).

The key focus for the team during quarter 1 had been the commencement of the 2015/15 plan. In addition to this was the outstanding IT Audits from 2014/15.

The Team had moved offices which had been a great improvement from a work point of view.

Appended to the report were the following:

- **Appendix A** – list of final reports issued in quarter 1 with grading – red, amber, yellow or green and included budget time, actual time and percentage variance;
- **Appendix B** – list of all work undertaken for quarter 1 for a period of 1 day or more
- **Appendix C** – previous graded reports from October 2012 to March 2015 with their current status.
- **Appendix D** – Summary of the 2 amber reports issued in quarter 1

Appendix C to the report was important as it showed the progress of Red/Amber reports:

- Abacus – a further update on this had been received earlier in the meeting
- Moorfield Primary – follow up to take place shortly now the schools have returned following the summer break
- Shared lives had progressed from red to green
- Direct payments had received a follow up and an external review
- Adults Safeguarding had moved from red to green
- Holy Trinity Academy had progressed from Red to Yellow. This was a new school that had only just opened following the summer break. A new head was in place and a follow up was due to take place in order to confirm that the issues had been resolved and procedures had been implemented

Information Governance Update April – July 2015

This was the annual work on the work of Information Governance. Appendix E to the report set out the work programme and a summary of progress to date.

The Council had received 222 FOI requests during quarter 1 of 2015/15 as well as 39 EIR requests in the same period.

For the same period, 14 Subject Access Requests (SARS) had been received and 1 appeal from a requestor who was not satisfied with the response they had received from the information request. This appeal was not upheld.

No new referrals had been made to the ICO although the team were still dealing with 1 ICO complaint from 2014/15 which had gone to the First Tier Tribunal. The decision was awaited.

During the reporting period 8 data breaches had been identified, although none of these met the Information Commissions rationale for reporting serious breaches. Information Governance was continuing to work with these Service Areas to ensure they improve procedures and disciplinary action taken where appropriate. Lessons learn from security incidents during the first half of the year would be shared across the Council in early October 2015.

A discussion took place including:

- Amber report on Charlton School

Following the discussion it was:

RESOLVED – that the Internal Audit and Information Governance update information for the first part of 2015/16 be noted.

AUC-26 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

AUC-27 CAPITAL RECEIPTS UPDATE

The Service Delivery Manager for Regeneration and Investment gave a verbal update on capital receipts.

The disposals of assets were at different stages:

- Sold and funds received
- Completion
- Sold Subject to Contract
- Currently being advertised for sale
- Seeking Planning Permission

As additional sites were identified for disposal they were added to the disposal programme but the overall income target was maintained to reduce reliance on any one receipt. Market conditions continued to be strong which it was hoped would be reflected in values and the timeliness of disposals.

A discussion took place including:

- Full market value of sales
- Residential sites
- Commercial sites
- Employment opportunities
- Vacant sites

The meeting ended at 7.44 pm

Chairman:

Date:

CUSTOMER, COMMUNITY & PARTNERSHIP SCRUTINY COMMITTEE

Minutes of a meeting of the Customer, Community & Partnership Scrutiny Committee held on Tuesday, 30 June 2015 at 6.00pm in Meeting Room 7, Darby House, Lawn Central, Telford, TF3 4JA

PRESENT: Councillors N England, J Ashford, G Cook, S J Reynolds, P Scott, J Seymour, B Tillotson.

ALSO PRESENT: Cllr. A McClements, Cabinet Member Communities, Regeneration & Transport; Cllr. R Overton, Deputy Leader and Cabinet Member for Housing, Public Health & Protection; A Astley, Assistant Director Neighbourhood & Customer Services; D Proud, Group Manager, Transport, Strategy & Road Safety; M Barker, Assistant Director Planning Specialist; M Vout, Team Leader, Environment & Planning Policy; S Jones, Scrutiny Officer.

CCP-01 ELECTION OF A VICE-CHAIR

The Chair welcomed everyone to the meeting and invited those present to introduce themselves. He invited nominations from members of the Committee for a Vice-Chair but there were none and it was agreed that it was not necessary to appoint a Vice-Chair.

RESOLVED – that a Vice-Chair would not be appointed.

CCP-02 MINUTES

The Chair referred members to the minutes of previous meetings of the Housing Economy & Infrastructure and Co-operative & Communities Scrutiny Committees which could not be formally agreed and signed as the Committees had merged to form the Customer, Community & Partnership Scrutiny Committee and no longer existed.

RESOLVED – that the minutes of the meeting of the Housing Economy & Infrastructure Scrutiny Committee held on 9 March 2015 and of the Co-operative & Communities Scrutiny Committee meeting held on 24 March 2015 be noted.

CCP-03 APOLOGIES FOR ABSENCE

Councillors K Guy and S A W Reynolds (Finance & Enterprise Scrutiny Committee).

CCP-03 DECLARATIONS OF INTEREST

None.

CCP-04 SCRUTINY REVIEW OF TRANSPORT

The Chair outlined the scope of this item which was to receive an update on the outcome of Arriva's Independent Network Review and to consider the draft of the

Council's new Bus Subsidy Policy. He reminded Members that Arriva is a privately owned company and there are no powers of scrutiny but that Members could comment on the route proposals directly to Arriva. He invited the Cabinet Member for Communities, Regeneration and Transport, and officers present, to talk through the outcome of the Council's discussions with Arriva and the proposed changes to the Bus Subsidy Policy.

Cllr. McClements explained that she was new to the Cabinet role, which included responsibility for Transport, and was working hard to get up to speed.

Bus services had been de-regulated in 1985 making operators free to operate any route that was commercially viable from fares and recharges for concessionary fares. The idea was to create competition in the market although this had not worked out in practice and 98% of the network in Telford and Wrekin was operated commercially by Arriva. There was no obligation on the local authority to provide subsidies for services but the Council wanted to ensure that residents have access to amenities and the Council subsidised some routes to fill gaps in the commercial service. As a private operator, Arriva was not obliged to consult on the network review but they had held information sessions about the changes, and they were not obliged to carry out impact assessments of the changes. This was a concern to Cllr. McClements and she had contacted the Bus Users Group, Town & Parish Councils and the Town Centre management company to get their feedback on the review. Arriva had provided a map showing the proposed changes which they had found difficult to understand so she had asked officers to prepare a summary of the changes by ward to help inform ward members, local residents and Town & Parish Councils about what is happening and the local implications of the changes.

The Bus Subsidy Policy had been reviewed to enable robust evaluation of routes for subsidy against set criteria such as levels of deprivation, access to health employment and health services etc. From her previous role in scrutiny she valued the role of scrutiny in policy development and was pleased to bring the draft policy to the Committee for input before being taken to Cabinet for agreement. She invited the Group Manager, Transport, Strategy & Road Safety (Group Manager) to present the draft policy to the Committee.

The Group Manager gave a presentation making the following points:

- 98% of the bus network in Telford and Wrekin is operated by Arriva who can decide which routes to operate on the basis of commercial viability. Efforts had been made to encourage other providers into the market locally but the level of investment that would be needed to set up operations in the borough made it financially unattractive.
- The Council does not have a mandatory duty to provide subsidies but was filling gaps in network coverage so there was a service for those most in need.
- In 2009 around £700k was spent on bus subsidies. There has been a 30-40% budget reduction but no services have been withdrawn. Savings have been made from contracts or frequency changes or alternative funding (e.g. £80k saved on a cross-border route which is now funded by Shropshire and Section

106 money used to fund the 77 service). However it will be difficult to make further savings without having an impact on the network and there may be further budget cuts following the Chancellor's announcement in July.

- Two key changes were happening:-

a) Arriva's Independent Network Review

The current review would bring about the biggest changes to the network for 10 years including the withdrawal of some services, route changes and changes to service numbers. Arriva did not have a legal duty to consult on the changes or carry out impact assessments and the Council's view was that existing legislation did not allow for an effective service in Telford and Wrekin. Cllr. Scott asked why there was no requirement to consult and the Group Manager explained that de-regulation legislation had been introduced with the intention of creating competition in the market but it had not happened. Operators are able to change routes by registering the route with the Traffic Commissioner for 56 days but they are not legally required to consult on changes or carry out impact assessments, unlike the Council which would be required to carry out consultation. Cllr. McClements said that the Council had contacted local MPs to lobby Government to review the legislation to allow for better regulation of operators. Cllr. Scott said it was important that the public and bus user groups realised that Arriva is telling people what will happen and not engaging in consultation. The Assistant Director had met Arriva's Regional Director to discuss the review and Arriva was holding other information sessions to present the changes to the public.

b) The retender of contracts to operate subsidised routes

The Council had injected short term funding to fill gaps in the network. Contracts would be retendered later this year and the Bus Subsidy Policy needed to be reviewed and updated ahead of the tender. Renewal was happening at a time of change and it was important to have robust criteria in place to decide which routes should be prioritised for subsidy within the available budget. The 2010 Policy was no longer fit for purpose because when the criteria (accessibility, subsidy per passenger, sustainability) were tested against existing contracts they all achieved high scores and could not be ranked in order of priority. The inclusion of the 'subsidy per passenger' criteria also meant requests for new routes could not be assessed using the same framework.

New multi-assessment criteria aligned to Council priorities had been developed to enable qualitative evaluation of routes and new requests for subsidies. The revised criteria were:

- Catchment - population within a 400m buffer zone of the service
- Deprivation - population in the bottom 20% of deprivation and bottom 20% of car ownership in the buffer zone
- Access to key services - number of educational establishments (secondary and FE/HE), health establishments (GPs, hospitals, pharmacies etc), borough centres and key employment areas, railway stations served within the buffer zone

- Future development – number of committed housing and employment developments committed within the buffer zone
- Frequency – number of buses per hour

Each criterion had a weighting for the scoring process. Routes would be fed into the GIS system to score against the criteria and weightings applied to rank routes in terms of priority. Costs were factored in against the score e.g. existing takings and any other relevant elements. An example of how the buffer zone would be used to assess against the criteria was provided.

At the end of the presentation scrutiny members were invited to put forward their views. There was a discussion covering a number of points:

- Cllr. Scott asked when the Policy had last been revised and the Group Manager said the previous Policy had been agreed by Cabinet in 2010. There was no way of prioritising routes using the old Policy and it could not be used to evaluate new routes. The new framework was more robust in comparison with other authorities – some of which only used a subsidy per passenger benchmark – and would provide a strong platform to assess routes going forward.
- Cllr. Seymour said she felt Arriva's attitude was arrogant and although she understood that they were a private company she did not see why they should not be asked to put their case to the Committee. She also said she would like to see other operators drawn into the borough and although she was aware that the Council had tried, she wanted to know what could be done to encourage other bidders even if they only took over one route as a start. The Chair asked officers how the Council works with Arriva and how they found Arriva's attitude. The Group Manager said that they work as closely as possible but Arriva had not been flexible to concerns about the impact of the changes and that although 56 days may be adequate notice to review one route, it was not long enough for a whole scale review of the service. The Council had lobbied Arriva and the Traffic Commissioner to extend the 'consultation' period beyond 19 July and had lobbied local MPs and government ministers to ask for a review of legislation. There were also day-to-day working relationships with Arriva on highway changes, S106 agreements etc. which helped to develop the partnership. The Assistant Director added that there were different relationships at different levels – the regional Commercial Director makes commercial decisions and it is not necessarily local representatives who are responsible for decisions. Cllr. Scott said that this was how Arriva had come across at information sessions and he suggested that the Committee should feedback to Arriva that changes should not be imposed with no regard for people's concerns. The Chair asked whether Arriva was part of the Co-operative Council and the Group Manager said Arriva had made a £3.5m investment in stock which was a commercial decision based on return on investment from increased patronage. Cllr. Seymour said Arriva should come to a meeting to explain this to the Committee and the Assistant Director said they might attend a meeting but she felt that she had represented the views of the whole Council to the Director and although he had taken the feedback on board the changes would still happen on 19 July.
- Cllr. S J Reynolds said some of the routes changes seemed to cut out services to establishments where elderly people go and he was concerned that Arriva had not asked local people which services were important to them. The Assistant

Director commented that this was the difference between the Council and a commercial operator. Cllr. Reynolds said he had attended a meeting about the Ketley Bank service and he felt the local Arriva staff at Stafford Park had been responsive. The Assistant Director commented that it was the people above who were the decision makers who had not been responsive and they had seemed surprised by the backlash and had said if they had got things wrong they would be happy to review things. Cllr. Scott said the Council should be encouraging people to attend Arriva's road-shows so they could put their concerns directly to Arriva and the Assistant Director agreed that this would be a route to try to sway Arriva. Cllr. Reynolds gave an example of a route change which cut out a section of road servicing a school and leisure centre and this did not seem to have been taken into account. The Group Manager also explained that operators can also make change at short notice under an emergency notice although major changes need to be registered for 56 days with the Traffic Commissioner. The Council would carry out risk assessments on any proposed changes to one of its contracted routes.

- Cllr. Scott asked what the expectations were of the next round of local authority budget cuts. The Assistant Director said there were already savings targets that had to be met and it was probable that further savings would be needed after the Chancellor's announcement and priorities would need to be debated. The Council had already saved £50m and needed to save another £30m over three years and there would be some difficult decisions to debate – for example, how funding bus subsidies would weigh against funding adult care, and if bus subsidies are cut would be better to save money earlier or reduce the pain more slowly by working with Arriva to promote and build up subsidised routes to become commercially viable to reduce the level of subsidy? Cllr. McClements said she had asked officers to look at the Council's transport fleet (community buses, shopper services etc.) to look at how they could be maximised to provide services. She said there was a need to look at how services could be delivered differently and better. The Assistant Director said that it would help to have more competition for the subsidised routes but they would need to make some assumptions about the budget and see what bids come in.
- The Chair asked how the Council was helping to publicise the network review and Cllr. McClements said that information had been publicised prominently on the Council's website and emails had been sent to all elected members and Town & Parish Councils.
- Cllr. McClements invited feedback from Members on the criteria score weightings for the new Policy which she would welcome either at the meeting or by email afterwards. Cllr. Scott said members needed a few days to absorb the information and the Group Manager said feedback emailed would be fed into the process.
- Cllr. Reynolds suggested that members of the Committee should explore ways of working with Arriva for example travelling with them on the buses to observe the way they operate.
- Cllr. Tillotson asked how changes to bus stops were dealt with. The Group Manager explained that the Council was responsible for the infrastructure and

operators do not install or dismantle bus stops. The Council would review any changes over a couple of months to assess the need to remove or build new stops which were managed as a Council asset. Cllr. Reynolds also pointed out that some bus stops are owned by Town or Parish Councils. The Group Manager said the Council would not refuse to provide the infrastructure because Arriva would continue with the route changes in any case but major infrastructure changes such as those planned for the Redhill Way service would be expensive.

When there were no further comments or questions the Chair asked members to email comments on the new Policy to the Scrutiny Officer by lunchtime on Friday 3 July for submission to the Cabinet member and officers.

CCP-05 LOCAL PLAN

The Chair opened by reminding the Committee that this item was to consider the consultation process for the Local Plan and not the Plan itself which Members could comment on separately. He invited the Deputy Leader and officers present to talk through the key points in the briefing note provided as Appendix C.

Cllr. Overton acknowledged scrutiny's previous involvement in looking at the consultation process for developing the Local Plan and the concerns about the engagement of Town & Parish Councils and young people. The Consultation Version would be presented to Cabinet in July to agree for consultation. There would be a two months consultation period in August and September which was an extension on the statutory requirements so that Town & Parish Councils would have time to meet during the consultation period. A range of engagement sessions would be provided depending on what each council wanted. It was important to engage as early as possible as there would be a lot of interest around site-specific plans. A range of consultation activity would be carried out including consulting people on the database, the Young People's Forum and schools, a video and social media to reach as many people as possible.

The Assistant Director Planning Specialist said there had been a helpful meeting with scrutiny during the last phase of the consultation and as a result of scrutiny's suggestions they had improved engagement with Town and Parish Councils and aimed to do the same this time. They shared scrutiny's view that the Council should do as much as possible to engage Town and Parish Councils and they would be contacted as soon as possible so that they could arrange early meetings. A challenging area was engaging young people and they would use the Youth Forum to involve younger people. The report at Appendix C set out the various stages of consultation on the Local Plan including activity for 2015. They would offer presentations or individual meetings to Town and Parish Councils and would contact everyone registered on the database which had been extended by over 1,000 people and they would make use of this again. They would welcome any comments and ideas from the Committee.

A number of points were discussed:

- Cllr. Seymour said that her main concern was that the consultation period fell over August when most Town and Parish Councils did not hold meetings. If they

were not contacted now, they may not hold another meeting until September which was late in the consultation period. She asked if Clerks could be contacted to alert them to the fact that the consultation would be happening so that they could plan in advance. The Assistant Director said they had been advised to wait until the Consultation Version had been agreed by Cabinet and Cllr. Seymour urged the officers to go back and ask for this to be reconsidered. Cllr. Overton agreed that Clerks would need to prepare and that they should be contacted as early as possible so that they could prepare meeting agendas or arrange any special meetings. Cllr. Scott agreed because Town and Parish Councils may want to arrange additional meetings during August or September.

- Cllr. Scott said he had not noticed much about public meetings in the report and suggested consideration should be given to more open sessions because so many residents did not attend Council meetings. He said it was important for people to be given every opportunity to get involved so that afterwards they could not say that they had not had a chance. Cllr. Overton said there would be a number of public sessions in September and the Assistant Director said they wanted to reach as many people as possible and last time they had done this through Town and Parish Councils and were intending to do the same this time so Town and Parish Councils could help publicise the consultation and arrange meetings.
- Cllr. Scott emphasised the importance of the documents being very simple and clear to use and read. The Assistant Director agreed but said it was difficult because by its nature the Local Plan was a long document and it must comply with planning requirements. Cllr. Scott said he thought that a lot of people had given up on the last document because it was not user friendly and this needed to be considered. Cllr. Overton said a key point would be when the site-specific details are published as this is when people are most likely to get involved. Cllr. Scott said people need to see the plans for themselves and that the Council needs to make it easy for them to do so.
- The Chair said that resources need to be considered so they are used to maximum effect and Cllr. Seymour suggested there should be an easy way to cross-reference between wards so that people could be referred to activity in a neighbouring ward which may be of interest. The Team Leader agreed with Cllr. Scott and said they were using a number of devices and easy to understand maps so that people could easily see the relevant affected areas. There would be a simple leaflet which would guide people through the main document. The document would be as colourful and easy to read as possible and they would use social media platforms e.g. Twitter / Facebook etc. to reach different audiences.
- Cllr. Scott asked about the involvement of the press and the Assistant Director explained that the media would be involved and used to promote what was happening. There had been a preliminary meeting with the Shropshire Star and Telford Journal and the Managing Director would be doing radio interviews and issuing press releases to encourage people to get involved. Cllr. Scott said that 'encourage' was a key word.

- Cllr. Tillotson said he had heard feedback that the previous communication had been good and the last consultation had gone very well. The Assistant Director said this was good to hear and that they had received some good feedback. They had been out every night and there had been some lively sessions. The Team Leader said last time they had also held public meetings at The Place to reach out to people but they had been lightly attended – 24 people one evening – so there was a need for better publicity. Cllr. Scott said 24 people was significant and Cllr. Overton agreed that it was 24 people interested in planning matters who might spread work to other people. Again, Cllr. Scott emphasised that it was important that people should not have the opportunity afterwards to say that they had not had a chance to take part. The Assistant Director said he would welcome any ideas from the Committee.
- The Chair asked for assurance that the consultation process met with statutory requirements and the Assistant Director assured members that it did and they had to demonstrate that they had met the minimum requirements. The Team Leader said they had exceeded the minimum requirements in the past.
- The Chair asked how they would ensure that groups protected by equalities legislation would have adequate opportunity to participate in the consultation and the Assistant Director said they would make sure that no one was excluded because of a disability.
- The Chair asked if the impact assessments would be available and the Assistant Director said they would be published on the website.
- The Chair asked whether Arriva had been involved as a stakeholder and the Assistant Director said they had just as they would consult all concerned with the provision of public transport. Cllr. Overton said this would include taxi drivers although Cllr. Seymour pointed out that the Taxi Forum no longer existed. The Assistant Director said they had involved a whole range of stakeholders including health services, Natural England and the Home & Communities Agency.

When there were no further comments or questions the Chair asked Members to email any further feedback to the Scrutiny Officer by lunchtime on Friday 3 July for submission to the Cabinet Member and officers.

CCP-06 WORK PROGRAMME AND CHAIR'S UPDATE

The Chair informed Members that the Scrutiny Management Board would meet on 10 July to consider the scrutiny work programme and make recommendations about the issues each Committee should look at and the allocation of resources to each Committee, bearing in mind the review of CSE would take a significant amount of resource. The Board would consider issues which had already been identified and the Chair asked members if they had any new suggestions to put forward.

The Chair suggested looking at Veolia's performance on the waste contract and the handover of remaining services from TWS.

Cllr. Seymour said the Committee's title was too long and not meaningful and suggested 'Housing and Community Scrutiny Committee' which was simpler and encompassed the key elements of the Committee's work.

Cllr. Seymour suggested two key issues for the work programme – the Housing Allocations Policy and the Tenancy Strategy including working with local RSLs.

The Chair invited Members to email any other suggestions to him and closed the meeting.

The meeting ended at 7.30pm

Chairman:

Date:

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
Minutes of the meeting of the Health and Adult Care Scrutiny Committee held
on 2nd July 2015 in Training Rooms 5 and 6, AFC Telford United Learning
Centre, Haybridge Road, Wellington, Telford

PRESENT:

Councillors: M. Boylan, A. Burford (Chair), V. Fletcher, T. Nelson, J. Pinter, R. Sloan, C. Turley

Also Present: Cllr. C. Smith, Member of Telford & Wrekin Council's Finance and Enterprise Scrutiny Committee, Cllr. A. England, Cabinet Member, Adult Care; P. Taylor, Director of Health, Care and Wellbeing; C. Jones, Assistant Director Family, Cohesion and Commissioning; R. Smith, Interim Assistant Director Adult Social Services; C. Hall-Salter, Service Delivery Manager, Improvement and Efficiency, D. Derham, Project Officer, L. Crawford; Director of Mental Health Services, South Staffordshire and Shropshire Healthcare NHS Foundation Trust; A. Hammond, Deputy Executive for Commissioning and Planning Telford and Wrekin CCG

HACSC-01 ELECTION OF VICE CHAIR

The Chair requested nominations for the position of Vice Chair of the Health and Adult Care Scrutiny Committee. Cllr. J. Pinter proposed Cllr. R. Sloan for the position of Vice Chair. Cllr. C. Turley seconded this proposal. No further proposals were made.

AGREED – Cllr. R. Sloan is appointed Vice Chair of the Health and Adult Care Scrutiny Committee.

HACSC- 02 MINUTES

RESOLVED - The minutes of the previous meetings of the Health and Adult Care Scrutiny Committee be agreed as an accurate record and signed by the Chairman.

HACSC – 03 APOLOGIES

Councillors: C. Mollett (Health and Adult Care Scrutiny Committee)

Councillors: S. Reynolds, D. Wright, Rae Evans (Finance and Enterprise Scrutiny Committee)

HACSC-04 DECLARATIONS OF INTEREST

Cllr. M. Boylan declared an interest in Item 5 as a Director of Telford and Wrekin Healthwatch. It was noted that he was not involved directly in the consultation on the Future of Castle Lodge in this capacity.

HACSC-05 CONSULTATION ON THE FUTURE OF CASTLE LODGE

The Chair welcomed everyone to the meeting and invited Lesley Crawford, Director of Mental Health at the South Staffordshire and Shropshire Healthcare NHS Foundation Trust (SSSFT) and Anna Hammond, Deputy Executive for Commissioning and Planning at Telford and Wrekin CCG to present the report.

The Director of Mental Health Services reminded the Committee that it was important to recognise that the consultation focussed on the future of Castle Lodge – not the wider provision of mental health services. The report presented to the committee at this meeting sets out the consultation process, outcomes and the response agreed by the SSSFT Board. A report had previously been considered by the Shropshire and Telford and Wrekin Joint Health Overview and Scrutiny Committee on the review of the modernisation of mental health services.

The Director of Mental Health Services provided some background to the consultation. Castle Lodge unit in Dawley comprised of the following services, a 12 bedded nurse led unit, the Crisis Resolution Team and Home Treatment Team and some criminal justice staff. The nurse led in-patient facility had been set up in 2004 before the crisis resolution team and assertive outreach teams had been established. Further developments in mental health services followed with a large scale consultation on the modernisation of mental health services and further investment into community services in mental health. The Director of Mental Health Services expressed the view that, in her opinion, the inpatient facility at Castle lodge should have been looked at as part of this consultation. Following the consultation and the closure of Shelton hospital and the development of the Redwood Centre most people with mental health problems are now treated at home and there has been much investment in community mental health services. It was explained that it is unusual for there to be acute mental health beds provided in small units in isolated localities due to the risk that may pose to staff and patients. In 2013 a clinical review of Castle Lodge found that patients with high needs were being placed in the unit which was not appropriate. At that time it was agreed that the beds provision in Castle Lodge would close on a temporary basis and the report sets out the consultation process, responses and outcome on the future of this service. The Committee was informed that the consultation events had been well attended and that the public engagement benchmarked positively. The consultation feedback identified gaps in the pathway of provision of mental health services.

The Director of Mental Health Services said that the report recommended the closure of the beds at Castle Lodge and that the CCG and local authority to review the

provision of mental health services and investment to further modernise mental health services.

The Deputy Executive, Planning and Commissioning at Telford and Wrekin CCG said that she was working with the local authority Assistant Director, Family, Commissioning and Cohesion to review current mental health provision, identify gaps and best use resources to meet needs. This is an opportunity to work with the SSSFT to put Telford on the map. She explained that it is important that mental health services have 'parity of esteem.' A couple examples of work that can be done now were the redesign of the IAPT (Improving Access to Psychological Services) service and to make the RAID (Rapid Assessment Interface Discharge) service even better. It will also be important to work with NHS England in specialist services.

The Chair thanked the officers for the report. He explained that the Scrutiny Committee's response will be reported to the CCG Board meeting on the 14th July. He identified 4 themes for the Committee's response: Effective Integration, Service Gaps, Engagement with local residents and the voluntary sector and finance e.g. how funding will be used if the service is closed permanently. He asked the Committee for comments.

Cllr. V. Fletcher thanked the officers for the presentation and report. She explained that the Joint HOSC had previously scrutinised the modernisation of mental health services in 2011 and in this review Castle Lodge was seen as an asset for Telford and Wrekin. It was recognised that it was important for people to have respite. The Joint HOSC has supported the reconfiguration of mental health services on the basis that Castle Lodge remained open. She understood that this was a resource for patients from Telford and Wrekin – but that many of the patients had been from outside the local authority area. She questioned the governance of this service if it had been used inappropriately, what evidence there was the patients were now supported more effectively in their own home and what was being done to reduce the number of patients who had high needs who were being sent out of county.

The Director of Mental Health Services responded that the number of acute beds at the Redwood Centre were agreed as part of the modernisation of the service and it was recognised that the number of people who could not be treated at home had reduced. Castle Lodge was not an appropriate facility to admit acutely unwell patients the environment was not conducive to this client group. However patients were being admitted to the unit if there were no beds in the Redwoods centre as opposed to placing patients in Stafford.

It was therefore crucial that SSSFT ensured that there were enough facilities at the Redwood Centre available to ensure that acutely unwell patients were not admitted to Castle Lodge. The consultation has shown that there is a need for a service 'in between' that may not be provided by a specialist mental health Trust but by a voluntary sector organisation or another organisation with input from the Crisis Mental Health Team.

It was confirmed that patients from outside the local authority area had used the inpatient facility at Castle Lodge, but the Director of Mental Health Services at the

SSSFT was not able to explain why this had happened as it was before her time.

Cllr. V. Fletcher asked what crisis support was going to be available e.g. 'crash pads' and also respite care for families and carers. It is important that the needs of the carers are considered not just the patients.

The Director of Mental Health Services responded that there are gaps in the service – but it was important to determine what gaps there were in terms of provision. There have been recent discussions about the need for supported housing.

Cllr. C. Turley asked if the RAID service was based at both the Princess Royal and Royal Shrewsbury Hospitals.

The Director of Mental Health Services responded that the service was at both sites.

Cllr. C. Turley asked what would happen if the Princess Royal Hospital lost the A&E service?

The Chair said that this was an important question, but that the focus of the meeting was on the future of Castle Lodge.

Cllr. V. Fletcher asked where people from Telford and Wrekin will go when they need support and what respite will be available for families and carers?

The Director of Mental Health Services replied that the Crisis Resolution Team responds to immediate needs in the community.

Cllr. T. Nelson asked where the 3-5 people who had previously used the provision at Castle Lodge are currently being supported?

The Director of Mental Health Services responded that the Community Mental Health Services – the Crisis Resolution Team, Home Team support people in their home.

Cllr. V. Fletcher commented that many of the parents who care for people with mental health issues are older. She asked what support is available for these parents.

The Chair highlighted that the Committee had identified that there are gaps in service and the Committee was struggling to see how these gaps would be met as a result of this consultation. From the discussion there was recognition that there is a need for a 'step down' service.

The Director of Mental Health Services said that she would not disagree and that there are a lot of different respite models of care. Some patients with mental health issues do not live with their parents, some live independently and some are homeless. It is important that the services are based on the need in Telford and Wrekin. The consultation has identified some gaps, the issue about support for carers was not picked up but young people did highlight the need for a 'crash pad' and the importance of talking to other people. The way to meet these needs is a bigger piece of work than the closure of Castle Lodge. When looking at developing new services, Castle Lodge

is not a good location it is difficult to get to e.g. one person reported in having to get 3 buses to get there.

The Chair asked how the voluntary sector organisations would be engaged in the Commissioning Review and what work has taken place to build capacity in this sector?

The Director of Mental Health Services responded that the Trust has made a commitment to work with the voluntary sector e.g. Healthwatch and will also work with individuals.

The Assistant Director Family, Cohesion and Commissioning said that there is an appetite in the voluntary sector to work on this, Maninplace, the KIP project, Bromford Housing and other housing providers have come forward with solutions. There has been a session earlier that morning where the Council, voluntary sector and SSSFT had worked together.

Cllr. M. Boylan asked what the model of service working with housing providers is in South Staffordshire and Shropshire?

The Director of Mental Health Services said that staff do work with housing providers and voluntary sector but she was sure that further improvements could be made and mentioned a recent event where mental health staff and third sector organisations met to examine what could be undertaken within existing resources to improve services.

Cllr. V. Fletcher said that it is important that there is a follow up after a patient is discharged and that this should be automatic.

The Director of Mental Health Services said that this is crucial, the mental health services are commissioned to provide 7 day follow up for people who have been admitted to inpatient care and discharged, that target is 95% .The services in Telford and Wrekin achieved 95.4% as there will always be some people who are discharged from hospital that cannot be followed up or have not been followed up within seven days.

Cllr. V. Fletcher said it is important that the onus on making the follow up appointment should not be on the carer. She was aware of cases when a people had been discharged from the Redwood Centre on a Friday afternoon and had to find housing. This increases the risk of someone becoming homeless.

The Director of Mental Health Services said that there had been a useful discussion at a meeting that morning and there is a commitment to involve housing providers on the first day someone is admitted.

The Assistant Director Family, Cohesion and Commissioning added that many homeless presentations can be difficult and it is better to find accommodation with the right support package. He said he was confident that this can be put in place, but some of this is a longer term solution.

Cllr. V. Fletcher said that she was pleased that the Council and SSSFT were working

with Maninplace. There is a high demand for the places at Maninplace and more beds are needed.

The Assistant Director Family, Cohesion and Commissioning said that he was working with Maninplace. They do need houses but it is important that there are the right number as they do not want an empty house.

Cllr. R. Sloan said that looking at the responses to the consultation, 2 were in favour of the closure of Castle Lodge with the funds being redeployed, 18 responses were strongly opposed. He summarised the view of the Committee as being somewhere in the middle. He said he was convinced that Castle Lodge in its current form cannot carry on, but he is not convinced that the Committee has been informed what will be put in its place. The report does not include information about bed use at the Redwood Centre. He understood that Shropshire commission a lot more at the Redwood Centre. He asked if he went to the Redwood Centre how many patients from Telford and Wrekin and how many from Shropshire would be there? He said that Telford is not a small town and it is growing. The plans for services need to be future proofed to take this into account.

Cllr. T. Nelson said that Castle Lodge has been an asset for the community in Telford and Wrekin. He added that it is important to look at the services as a whole. He referred to the earlier comment about A&E. Telford and Wrekin has a huge opportunity to become a great city in the future. Telford and Wrekin is a centre of population but services are based in Shropshire. The Redwood Centre is in Shrewsbury – but he understood that this was because Shelton had been there. It is difficult to challenge arguments based on clinical need but it is important to know where the money will go. He asked for information on what savings had been made, what the money had been spent on and also how future savings would be used.

The Director of Mental Health Services responded that Castle Lodge is an old unit and whether future services are bed based or provided in the community, the building is not fit for purpose. One option would be to knock the building down and start again, but that would be very expensive.

The Deputy Executive, Planning and Commissioning said that NHS commissioners would not reduce funding for mental health. One of the discussions has been about the Telford pound, making sure Telford gets the most out of the money spent by organisations. Prevention is essential. It was explained that Telford and Wrekin does not commission a specific number of beds, if a patient needs to be admitted that that service is paid for.

Cllr. V. Fletcher said that during the consultation on the development of the Redwood Centre it was confirmed that 26 beds would be commissioned by Telford and Wrekin.

The Deputy Executive, Planning and Commissioning explained that the service is paid for on the basis of activity. This may have changed since the consultation.

The Chair said that it would help if it is clear what has been saved and how capital proceeds would be spent. He hoped that the funding would not decrease.

The Deputy Executive, Planning and Commissioning said that the first stage of the review will be to identify funding. At the moment the CCG commissions for clusters of care.

The Chair asked about the savings from Castle Lodge.

The Deputy Executive, Planning and Commissioning replied that some of the savings may be redirected to funds for modernisation.

The Chair said that it would be useful for members to see this information to see that Telford and Wrekin is being compensated for the loss of the provision at Castle Lodge.

Cllr. V. Fletcher said her main concern is that the service is fit for purpose and right for the people of Telford and Wrekin. It has to be a modern service and people must know how to access it day or night.

The Chair drew the discussion to a close. He explained that the response made by the Committee would be considered at the CCG Board meeting. He asked members to confirm that the Committee supported the permanent closure of Castle Lodge on the basis that the Commissioning Review covers some specific issues: that there are clear timescales for the review and staging posts during the process, that the voluntary sector is included in the review and that this is not just tokenistic, the finance issues that have been previously mentioned and how the outcome of the review will be evaluated.

The Deputy Executive, Planning and Commissioning asked if she could come back to talk to the Committee about Child and Adolescent Mental Health Services (CAMHS). She had been talking to Shropshire about innovative services. There are links with the discussion at this meeting e.g. transition from CAMHS to Adult Services.

The Scrutiny Group Specialist confirmed that the Committee's response would be drafted following the discussion at this meeting. This will be circulated to Members for comment and sent to the CCG for consideration at the Board meeting on the 14th July with the report on the Future of Castle Lodge.

The Director of Mental Health Services and Deputy Executive, Planning and Commissioning left the meeting.

Cllr. T. Nelson said that he was not happy that there had been no public consultation prior to the closure of Castle Lodge.

Cllr. R. Sloan said that closure of Castle Lodge would enable the NHS to do things that they would otherwise not be able to do. He added that it is important the services developed recognise the socio-economic differences across Telford and Wrekin.

Cllr. V. Fletcher said that she wanted a response to the issues raised in the letter following the Joint HOSC meeting.

The Chair said that the Committee had not finished its work on the subject. This is the start of a process and the Committee will want to see the staging posts to see how this work is panning out. There is a need to make inroads into mental health and there is a determination to get to grips with this.

The Director for Health, Care and Wellbeing said that Castle Lodge is an NHS funded service but the review will be carried out jointly led by The Deputy Executive, Planning and Commissioning and the Assistant Director Family, Cohesion and Commissioning.

The Assistant Director Family, Cohesion and Commissioning said that during the review there would be a degree of challenge and an impact assessment.

Cllr. R. Sloan said that the Commissioning Review will have to happen at some pace to report to the Health and Wellbeing Board in September.

The Scrutiny Group Specialist confirmed the process to draft and agree the Committee's response.

The Director for Health, Care and Wellbeing said that he is the local authority's representative on the CCG Board.

Cllr. A. England said that he is a Governor on the SSSFT Board.

RESOLVED: That the Committee's response be drafted, circulated for comment and sent to the CCG for consideration at the Board meeting on the 14th July.

HACSC-06 ADULT CARE BUDGET AND SAVINGS

The Chair said that the Committee would be looking at the Adult Care Budget. There has been a fundamental shift in this service – but the change has to happen at pace and this can be uncomfortable. The changes need to involve service users and the community and voluntary sector and build their capacity. He reminded members that if adult services do not make the savings needed this will have consequences for other council services. He highlighted that one quarter of the year had passed and there was a target for adult services to make £7 million savings.

The Director for Health, Care and Wellbeing said that the report reflects the budget that was agreed at Full Council for 2015/16 and the Committee also had some information that underpins the cost improvement plan to deliver £7 million. The Council has set aside a contingency of £2.5 million but adult services are looking to deliver the £7 million savings.

The Interim Assistant Director, Adult Social Services suggested that before taking questions it would be helpful for members to receive the presentation on the new way of working in Adult Social Care. This will provide significant savings - a better service at a reduced cost. He hoped that Members would find the presentation inspiring and asked the Service Delivery Manager, Improvement and Efficiency and Project Officer

to make the presentation.

Service Delivery Manager, Improvement and Efficiency said that the Council is facing unprecedented times with increased demand for services and diminishing resources. Status quo is not an option. The presentation provided an insight into the way Adult Services are fundamentally changing services and working with communities. She explained that the Council's Adult Services are organisationally driven and need to put the customer at the centre. The presentation highlighted that there are 'pockets or promise, innovation and capacity'. The locality working prototype had been working for 6 months to improve outcome and experience and to promote independence, choice and control. It was explained that Adult Services need to save 10-20% of the purchasing budget. Health and social care services will be integrated where it makes sense and services will be compliant with the Care Act. Adult Services will change the way needs are assessed and support is planned. The social worker will assess eligibility for local authority services, the support planning will focus on individual strengths and community and neighbourhood support. Work will take place in geographical localities. The pilot Support Broker Model has to be aspirational to achieve savings within the time required. The prototype was in place after Christmas with a small team – Team around the GP Practice. The staff at Stirchley GP practice worked with Adult Services. Support planners access preventative cases direct from Adult Social Care services and Social Workers focus on their professional assessment role. The support planning model is creative and person centred to develop a customer support plan working within the personal budget identified by the social worker. The customer is encouraged to use direct payments so they are in control. My Support Broker has been commissioned to work with Adult Services and train staff using an asset based approach using a technology platform and robust quality assurance process. The plan is signed off by the Social worker. Links are being developed with assets within communities that can help support people at no or little cost. Telford has over 600 assets and this can be used to identify gaps and commissioning colleagues can develop micro markets.

The Project Officer said that she would give the Committee some background to this work, the progress but also challenges and case studies as an example of how this is working. The new way of working has involved building relationships with other professionals e.g. nurses and GPs. They have feedback very positively about the process and how the new way of working tries to avert a crisis. People are supported to build relationships within the community and with different community groups. Some people did not know that this support existed. The feedback from the service users has been very positive. There has been a learning curve for everyone and it has challenged systems and processes. The case studies provided were based on people who had been referred by the medical practice or who were due a review in Adult Care.

The first case study was of a client who had lost his sight and was becoming increasingly isolated. He has been issued with a magnifying glass and would go shopping with a personal assistant. When he worked with a support planner, it was important to look at the person as part of the family unit. The Care Act says it is important to look at the person's aspirations and family life. The support planner worked with the client and decided to use the personal budget differently to get a tablet

computer with a number of apps. This enabled the service user to go shopping by scanning bar codes and order a taxi. He was also able write on the tablet and also read to his daughter. In this example the formal support was reduced, not removed completely. It is important to ensure that the support put in place is sustainable and evaluated.

The second case study given was of a man who was referred by the medical practice. He was in his twenties and had learning difficulties, he lived with his family who found his behaviour challenging. He had attended college courses on catering and enjoyed football. He felt isolated and spent a lot of time in his room and lacked confidence. He was put in touch with a local volunteer who supported him to join a local football team and volunteer at a local community café. The volunteer also worked with his father and he started to volunteer as well. The traditional service for this person would have been a day centre, but the outcome was much more positive and with potential cost diversion.

The third case study was of a client who was in his eighties. He was diagnosed with dementia and was aggressive towards his wife. Working with the Community Mental Health Team it was found that he was not suffering from dementia but he was depressed. The support planner worked with the client and his family and found he used to be a horticulture judge. He was introduced to Telford Town Park and teamed with a mentor. He enjoyed this activity and his wife was getting carer's relief. The husband and wife had started doing activities together in the local community. The client had not been brought into formal services. This resulted in a cost diversion.

Service Delivery Manager, Improvement and Efficiency said that all service users had been asked how they had found the service, and without exception they were satisfied or very satisfied. The staff are also happy. This work is good for the council's reputation and is developing community assets. Financial officers are working to validate savings, these will start to come through.

The Chair welcomed this approach and said that he had started work in the community sector when this was mainstream working, but this has been lost over the years. He said that this is the right approach irrespective of financial benefits – but that finances cannot be ignored. He commented that the Interim Assistant Director, Adult Social Services had said that this approach would deliver the savings. However, it has got to be rolled out and the question had to be asked if other GPs and professionals would be as co-operative. He understood that this new way of working in this way is a time consuming process and it will take time to drive the savings out. It is also important the Committee keep an eye on the quality of the service.

The Cabinet Member, Adult Care said that the Adult Services staff are being re-organised. As Cabinet Member he will enable the change and monitor this monthly. He said he had asked for the best officers in the Council to work on this.

Cllr. T. Nelson said he was new to this field and he had many questions. He commented on the different socio-economic need across the Borough and that the need was higher in South Telford. He also asked about the reduction in the number of people who use the service, particularly the number of people who were referred to the

service and of those the proportion that became clients.

The Director for Health, Care and Wellbeing said that this is an important point, particularly as Adult Care not only supports older people, but also younger adults who can be in a service for 50 years.

Cllr. T. Nelson asked, if more people are going to be using the service is it certain that this will not result in more people becoming clients? He referred to the Hawthorne effect, when people change their behaviour when they are being observed. He asked if, once the support planning had taken place, whether people would be able to maintain their independence?

The Interim Assistant Director, Adult Social Services replied that the numbers are important, but can be overwhelming. The service has to make savings and this has to be done in a different way. Previously each service had to make a set amount of savings e.g. 10% or 20%. He explained that the new approach is fundamentally different as the service is not waiting for people to come to the service in a crisis. The new way of working looks at how to help keep people independent and supported within the community. He recognised that in some areas there may be a different community asset base.

The Cabinet Member, Adult Care added that one of the GPs at Stirchley medical practice was the Chair of the CCG and will be able to influence others.

Cllr. V. Fletcher said that she had been inspired by the presentation and said she would be interested to find out about more case studies. She said in her view this way of working will change people's lives completely.

The Interim Assistant Director, Adult Social Services said that there are a lot of case studies, and the ones given to day were the harder cases. He said that it is important that the savings are validated. He said thought the savings will come through, but perhaps not quickly enough.

Cllr. C. Smith said it would be helpful to have a further report once the prototype has been rolled out. He suggested the report should come back half way through the financial year.

The Director for Health, Care and Wellbeing said that £1.4 million saving have been delivered in the first quarter. The savings need to be profiled across the year and accountants are doing some work on this. As well as doing things differently Adult Services are also reducing unit costs. This is important as 40% of the budget is purchasing costs. For clients with adult learning disabilities about 50-60% of these are high cost. He added that when looking at benchmarking data there is a significant amount that can be taken out. There has been recognition from the CCG of the demand on adult care and the CCG has made a contribution to joint funding. He said discussions will take place over the next few weeks on care packages that Adult Care services feel should be funded through NHS Continuing Healthcare (CHC).

The Assistant Director Family, Cohesion and Commissioning said that the Deputy

Executive, Planning and commissioning at the CCG had a background in CHC and there is a recognition that the assessment process needs to be reviewed.

Cllr. V. Fletcher said she was pleased to hear that there was some progress with CHC.

The Director for Health, Care and Wellbeing said that the Council's budget specifically ear marked £2.5 million contingency for Adult Social Care. He confirmed that the service plans to deliver the £7 million savings, not £5 million, but in reality the service will probably not make all the savings and will require some of the contingency. However he recognised that the service cannot rely on one off money.

The Chair said that it is very important that the Committee gets a grip of this issue. He said the monthly monitoring by the Cabinet Member is important. He requested that the Committee see the outturn for Quarter 2.

The Chair thanked the Cabinet Member and officers for attending the meeting and providing the insight into the new ways of working and that he hoped the committee will see the benefits of this work at the next meeting.

The Meeting ended at 17.17pm

Chairman:

Date:

HEALTH AND WELLBEING BOARD

Minutes of a meeting of the Health and Wellbeing Board held on Wednesday 9th September 2015 at 2.00pm in Meeting Room G3, Ground Floor, Addenbrooke House, Ironmasters Way, Telford TF3 4NT.

PRESENT: Cllr R Overton (Chair) (Telford and Wrekin Council), Dr M Innes (Vice-Chair) (Clinical Commissioning Group), Cllr A England (Telford and Wrekin Council), Cllr E Clare (Telford and Wrekin Council), Cllr K Blundell (Telford and Wrekin Council), Cllr J Seymour (Telford and Wrekin Council), L Noakes (Telford and Wrekin Council), P Taylor (Telford and Wrekin Council), R Wood (NHS England), G Stewart (on behalf of J Chaplin, Healthwatch Telford and Wrekin) and L Johnston (Telford and Wrekin Council).

Also Present: J Tiernan (Carers Commissioning Officer), L Langham (Chair, Carers' Partnership Board), C Jones (Assistant Director: Family, Cohesion & Commissioning), L Mills (Service Delivery Manager Health Improvement), C Harland (Public Health Commissioner), H Onions (Consultant in Public Health), S Norwood (Public Health Commissioner), A Hammond (Deputy Executive, Telford & Wrekin CCG), K Ballinger (Manager of Healthwatch), H Didlock (Telford & Wrekin Commissioning Specialist Children & Young People), F Sutherland (Telford & Wrekin CCG Head of Commissioning Mental Health), M Barker (Assistant Director: Planning Specialist), V Maher (Planning Policy Team Leader) and G Ashford (Principal Planning Officer).

Officers: M Cumberbatch (Legal Services Manager) J Power (Delivery & Planning Manager) and J Clarke (Democratic Services Officer).

HWB-10 MINUTES

RESOLVED – that the Minutes of the meeting of the Health and Wellbeing Board held on 10th June 2015 be confirmed and signed by the Chair.

HWB-11 APOLOGIES FOR ABSENCE

J Chaplin (Healthwatch Telford and Wrekin), J Tozer (Community Safety Partnership), D Harrison (Clinical Commissioning Group), Cllr P Watling (Telford and Wrekin Council) and D Evans (Clinical Commissioning Group).

HWB-12 DECLARATIONS OF INTEREST

None

HWB-13 PUBLIC SPEAKING

No members of the public had registered to speak.

HWB-14 PRIORITY UPDATE: IMPROVE ADULT AND CHILDREN CARERS HEALTH AND WELLBEING

J Tiernan and L Langham presented a report regarding the progress being made with the HWBB priority to improve adult and children carers' health and wellbeing.

In order to drive forward the agenda a set of 8 outcomes had been drawn up within the Carers Strategy which were:

- Information Advice and Support
- Planning for the Future
- Promoting well being
- Time for yourself
- Meeting diverse needs
- A life outside caring
- Feeling financially safe and secure
- Having your say

These outcomes looked to deliver an all age service within the carers centre to support all aspects of carers needs. A carers learning hub had been set up and this offered a good range of services and was care compliant. A self-assessment form had been written by carers for carers and this was due to go live next month.

A Memorandum of Understanding – No Wrong Doors, which was a national agreement, was currently being localised within the Adult and Children and Family directorates and they were confident that this would be accepted.

The emergency response service for 72 hour care was currently out to tender.

With regard to the promotion of wellbeing, carers could access services which included workshops, pamper sessions and cookery courses.

Carers' educational wellbeing was commissioned by buying "off the shelf" workshops in relation to sessions such as dementia, stress and work life balance.

Advice and guidance was also given to carers with regard to a life outside caring and carers were given help to access employment in order to gain financial stability.

Members of the Board welcomed the report. A discussion took place including:

- Carer numbers and what could be done to access the carers who were currently under the radar
- Local Practice Model being rolled out
- GP involvement
- Carers champions
- Individual payments to carers and the Care Act Formula (at Appendix 1 to the report)
- Carers Assessment
- Audit of carers
- Awareness raising with employees and organisations
- People not recognising themselves as carers
- The importance of carers on the health and wellbeing economy

Following the discussion it was

RESOLVED – that

- a) the progress and achievements since the last Board report in June 2013 be noted and acknowledged;**
- b) the strategic priorities and associated action plans be supported;**

- c) **the significant and financial contribution family carers brought to the social and health economy be recognised and supported;**
- d) **the authority's continued progress in working towards Care Act compliance and collaborative practices and co-production with carers of all ages, in particular young carers and those in transition to adulthood, be noted.**

HWB-15 LIVING WELL PRIORITY UPDATE

L Mills and C Harland presented a report on the priority of Living Well.

The focus of the Board's work was to co-ordinate and maximise collective action to promote positive wellbeing, healthy lifestyles and root causes of poor health such as housing and employment.

Five work programme areas had been identified as the focus for the Living Well Board:

- Public mental wellbeing
- Information, advice and signposting
- Workplace health and wellbeing
- Making Every Contact Count (MECC) Health and Wellbeing
- Healthy environments

The Partnership Board was still fairly new and the programmes were still in the planning phase. Staff training, tools and resources would gather pace and momentum as it moved into the second phase of its implementation.

Public mental wellbeing was described as people feeling good, functioning well and having a positive experience of life. A 'Telford 5 Ways' campaign had been developed which would encourage residents to:

- Connect
- Be active
- Take Notice
- Keep Learning
- Give

and it was hoped to embed this campaign into the work of the front line services within the Council. The resource pack was also available to Partners such as Age UK, Green Gym and Shropshire Wildlife Trust.

The Council had also been training front line staff to 'Make Every Contact Count' (MECC) which enabled them to provide brief advice about health to members of the public. To date 275 staff had been trained and this was expected to rise to 600 throughout the year via the online training facility. It was hoped that MECC would be used as a whole cascade approach and that the knowledge would be shared with partners such as Wrekin Housing Trust and The Job Box.

A discussion took place regarding embedding the training and improving health across the Council. The Fire Service, outside of this meeting, had indicated an interest in joining up the training and signposting to the relevant services. It was felt that this service was an "easy win" for a wide range of non-health staff.

Following the discussion it was:

RESOLVED – that the progress across the five work programme priorities of the Living Well Board be endorsed.

HWB-16 SMOKE FREE AMBITION

H Onions and S Norwood presented a report on the Smoke Free Ambition.

Although smoking had declined, it still remained the single biggest cause of preventable early death and illness. It caused reduced life expectancy, ill health and inequalities resulting in a considerable impact on the public purse.

Telford & Wrekin Smoke Free Network were leading the local approach to smoke free using 'Smoking Still Kills' as a policy framework.

There remained work to be done in order to ensure that the two local NHS Trusts were completely smoke free and this needed a universally shared systematic approach to support the implementation of smoke free health and social care premises in both Telford & Wrekin and Shropshire.

The use of e-cigarettes was on the increase and national research indicated that quitters who used a combined method of e-cigarettes with local stop smoking services were achieving exceptionally high rates of success. There was still uncertainty surrounding the long-term impact of these products and the potential cost implications for the Council needed to be more clearly understood.

Colleagues from the Smoke Free Network aspired to introduce a local voluntary scheme for smoke free playgrounds and play areas. This would go out to public consultation with local residents and workers and this would gather information regarding the understanding and support for the scheme.

A discussion took place including:

- New smoking legislation in cars
- Smoke free NHS Sites including buildings and grounds
- Smoke free play areas
- Consultation
- Interpretation of the impact of E-cigarettes
- Differences between vaping and smoking
- The decline in the number of smokers seeking support from stop smoking services

It was suggested that the timescale for the smoke free ambition for the two local NHS Trusts was tightened up and the date of the end of 2016 put forward. An amendment to the recommendation was proposed and seconded.

Following the discussion it was:

RESOLVED – that:

- a) the Boards of Shrewsbury and Telford NHS Hospitals Trust and Shropshire Community Health Services NHS Trust review their smoking policies and work towards becoming totally smoke free as soon as is practicably possible and that delegated authority was given to the Chairman of the Health and Wellbeing Board to act as signatory to the written request with a aim to be smoke free by the end of 2016;
- b) all Local Authority and all NHS-funded organisations across Telford & Wrekin and Shropshire sign up to the NHS Tobacco Control Declaration and that delegated authority be given to the Chairman of the Health and Wellbeing Board to act as signatory to the written request;
- c) support was given in principle, subject to public consultation, the development of a local voluntary scheme for smoke free play areas in Telford & Wrekin; and
- d) to report back to the Health and Wellbeing Board on progress.

HWB-17 MENTAL HEALTH AND WELLBEING – COMMISSIONING UPDATE

P Taylor informed the Board by way of a declaration that he was responsible for providing and commissioning the mental health and wellbeing services for the Council. It was noted, in any event, that the report was for endorsement only and no other decision was required. No objection to P Taylor remaining in the meeting was received. It was agreed that he would remain in the meeting.

C Jones and A Hammond gave a presentation with regard to the report which updated members on the progress to date on the review of spending on mental health within Telford & Wrekin and gave further information on the development of the mental health strategy.

In order to develop a coherent strategy, the review had been split into three distinct stages:

Stage 1 was almost complete and the total spend was £18.2m

Stage 2 would focus on the model of care that would meet the needs of the population and would draw on best practice which would put Telford on the map. Engagement would be undertaken with the voluntary and community sector as well as larger providers.

Stage 3 – It was intended that this stage would begin in December 2015 with a “bed Base” workshop to be held on 1st December. Service specification was to be revised and be signed off and incorporated into contracts and a robust action plan would need to be in place in 2016.

A discussion took place which included:

- Joint approach and joint commissioning
- IAPT (Improved Access to Psychological Therapies)
- The Council’s Scrutiny Report regarding Castle Lodge
- Running stages concurrently and working in parallel
- Mental health services for adults (not including older people)
- Transition arrangements for children into adulthood
- Older people (not dementia related support) ie psychiatric conditions
- Holistic model for people with mental health conditions and physical conditions

Following the discussion it was

RESOLVED – that the approach outlined in the report be endorsed.

HWB-18 MENTAL HEALTH CRISIS CONCORDAT BRIEFING

F Sutherland and H Didlock gave a presentation regarding the report on the Mental Health Crisis Care Concordat Briefing which included a brief summary of the national objectives regarding the mental health crisis care and the local response and local implementation.

The national agreement aimed to have multi-agencies working together to support people who were in a mental health crisis and to provide a quality of service across Shropshire and Telford and Wrekin for everyone no matter where they were or who they were.

An action plan of 5 key areas had been drawn up:

- Commissioning to allow earlier interventions and responsive crisis services
- Access to support before crisis point
- Urgent and emergency access to crisis care
- The right quality of treatment and care when in crisis
- Recovery and staying well preventing future crisis

A copy of the action plan could be found at Appendix 1 to the report.

Achievements included:

- Out of hours access to records for children and young people
- CAMHS worker based in acute hospital
- Commissioning plan and joint services
- Zero children and young people detained in Police cells under s136 during the last year
- Tender exercise for information, advice and advocacy (TAAA)
- Helpline and Co-ordination Hub

The next steps were for the Strategic Group to update the actions plan on a monthly basis and reflect the CQC recommendations for the service development and for the commissioners for health and social care to review expenditure on mental health with a view to developing a new all-age mental health strategy, to include crisis provision and prevention for people with mental health issues.

A discussion took place including:

- Develop strategy to encourage working together
- Out of hours crisis within the strategy
- Mental health and substance misuse
- Preventative action
- Helpline – success rates, economies of scale and breakdown of calls within Shropshire and Telford
- Tier 4 beds
- Involvement of Community Safety Partnership

The Board thanked all of the officers for their efforts involved with this piece of work which was high on the national agenda and had to be signed off quickly.

Following the discussion it was:

RESOLVED – that:

- a) **commitment to the Crisis Care Concordat and the local declaration by all agencies be noted; and**
- b) **the contents of the report and support for the ongoing development of the Crisis Care Concordat be noted.**

HWB-19 PRIMARY CARE COMMISSIONING INTENTIONS

M Innes presented the report on the Primary Care Commissioning Intentions on behalf of Nicky Wilde who was unable to attend the meeting.

Primary care was the gateway to health services and played a pivotal role in co-ordinating a patient's journey towards improved health and wellbeing.

The CCG was one of 63 to be awarded delegated authority for primary care commissioning from April 2015 which allowed the CCG to make decisions on provisions such as:

- commissioning, procurement and management of Primary Medical Services contracts
- enhanced services
- local incentive schemes
- establishment of new GP Practices
- commissioning of urgent care for out of area registered patients
- management of poorly performing GP practices and decisions and liaison with the CQC
- discretionary payments

The Primary Care Commissioning Strategy set out 8 areas of commitment which were:

- Engagement, empowerment and involvement
- Sustainable multi-disciplinary and seamless care pathways
- Patient centred high quality and safe care
- Care closer to home – admission avoidance
- Improved access for urgent and routine care
- Reduced bureaucracy – Time to improve outcomes
- Reduction in variation in care outcomes
- Indicative Budget

A discussion took place including:

- Consultation
- The joining of practices
- Local Plan
- The reduction of variations between practices
- DATIX system
- Locally based commissioning which understood local need

RESOLVED – that

a) any conflicting issues with the wider Health and Social Care Plans be highlighted in due course; and

b) the contents of the report be noted.

HWB-20 COMMUNITY FIT UPDATE

M Innes presented a report on Community Fit.

The Future Fit programme had signed off a proposal to support the initial phase of the community fit work plan. Phase one comprised of a work programme to understand and quantify the consequences to a wider health and social care economy of the proposed 'Future Fit' hospital reconfiguration.

The Clinical Model placed activity into the community in the future in order to deliver best practice and, although this had not yet been fully quantified, it was expected that 30% of services would go out into the community.

A second piece of work had been undertaken on 'Future Fit Two' which was now called "Community Fit". Phase 1 would involve looking at NHS community mental health and social services. Data would be collected and presented back to stakeholders in order to quantify what this would mean for services. The original timescale was for this to be undertaken by November 2015, but due to some challenges with regard to accessing data and data sharing there had been a delay and it was now expected that this work would be undertaken by February 2016. This was a powerful piece of work and the outcomes, together with a complete set of data, would be presented back to the Board in March 2016.

A discussion took place including:

- How the information would be used for the Telford approach
- Tools required to help better understand the model
- The work being undertaken to bring Community Fit together

RESOLVED – that the report be noted.

HWB-21 HEALTHWATCH TELFORD AND WREKIN ANNUAL REPORT

K Ballinger presented the Healthwatch Telford and Wrekin Annual Report. Healthwatch Telford and Wrekin continued to be closely involved with NHS Future Fit and the Better Care Agenda and had recently begun to look at patient experience of services delivered at home. Healthwatch now had 6 patient representatives who would be in attendance at the next meeting to represent the view of Telford and Wrekin.

From the 1st October 2015 Healthwatch Telford and Wrekin would become a limited company, which had involved a lot of work with the Council to ensure a smooth transition to the new working model. Statutory functions would take place to a lesser extent and they would be able to generate income in order to get the best service for Telford and Wrekin. There would be a continued level of support with regards to the pharmaceutical needs assessment and possible equity issues in South Telford. Healthwatch would also be able to take on commissioned work which would raise awareness of Healthwatch at the same time. It was felt that the public and patients were not as involved with the decision making process as they should be.

The Council now had a feedback Centre which took feedback on any health and social care services. This was an opportunity to increase information about the services which was an essential part of the work of Telford and Wrekin Council and there might also be an opportunity to sell the feedback to providers. This may also be a way of introducing to the public Healthwatch Telford and Wrekin as a brand.

A discussion took place including:

- The funding, commissioning and budget of Healthwatch
- Building a national reputation

The Board welcomed the changes to Healthwatch Telford and Wrekin Limited and thanked everyone concerned for their support through the process

RESOLVED – that the contents of the report be received and noted.

HWB- 22 TELFORD AND WREKIN – LOCAL PLAN

M Barker, V Maher and G Ashford presented a report on the Telford and Wrekin Local Plan.

The Local Plan would set out how and where development would take place and guide future planning decisions up to 2031 and affirmed the Council's commitment to protecting and enhancing the Borough's community green spaces, natural environment and heritage. It set out detailed planning policies used to determine planning applications. The Local Plan had to accord with the Government's National Planning Policy Framework (NPPF) and help to plan for an effective health service to meet the needs of local residents in the places and at the times required.

A presentation was given to Members highlighting the key messages from the Local Plan.

A discussion then took place including:

- Health hubs and supporting community based services
- Allocations of land
- Solar Panels
- Renewable/sustainable energy
- Integrated community services
- High streets dominated by unhealthy food options
- Health Centres/GP surgeries on the high street
- Social Connectivity
- Obesity in children
- Fitness through fun
- Hot food suppliers near to schools

The Chair asked the Board to feed back their suggestions to the Local Plan Team using the following link www.telford.gov.uk/localplan.

Following the discussion it was:

RESOLVED – that

- a) the Board encourage local partners to take part in the Local Plan consultation to assist in achieving the best possible health outcomes for the population of the Borough; and
- b) the report, the Local Plan and the issues raised relating to Health and Wellbeing be noted.

The meeting ended at 5.01pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 16 September 2015 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, P Scott, M J Smith and C R Turley

ALSO PRESENT:

Councillors G K Cook (for Planning Application TWC/2013/1033), A J Eade (for Planning Application TWC/2015/0132), M B Hosken (for Planning Application TWC/2013/1033) and J M Seymour (for Planning Applications TWC/2013/1033 and TWC/2015/0192)

PC-040 APOLOGIES FOR ABSENCE

None.

PC-041 DECLARATIONS OF INTEREST

With regard to planning application TWC/2013/1033, Councillor C R Turley stated that he was a member of the Shropshire Hills Area of Natural Beauty Management & Partnership Committee but he would not be withdrawing from the meeting for that item.

With regard to planning application TWC/2014/0612, Councillor N A Dugmore commented that he was a member of Donnington & Muxton Parish Council but he had not taken part in their discussions and he would not be withdrawing from the meeting for that item.

PC-042 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 25 August 2015 be confirmed and signed by the Chairman.

PC-043 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-044 SITE VISITS

None.

PC-045 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report.

(a) TWC/2013/1033 - Land to the North of Haygate Road, Wellington, Telford, Shropshire

This outline application for the erection of up to 330 dwellings with some matters reserved had previously been considered at the meeting of the Planning Committee on 21 May 2014 when it was resolved to approve the application subject to conditions and a S106 agreement. The Council had subsequently announced that a five year supply of housing land could be demonstrated and, as this was a material planning consideration which meant that the Council's relevant policies were no longer out of date, the applicant had been advised that the Planning Committee would revisit the decision as the S106 agreement had not been completed. In response, the applicant had decided to lodge an appeal against non-determination of this application and the Committee was, therefore, invited to express a view on the proposals, which would then be put to the Inspector at the appeal inquiry.

Members were also advised that the applicant had lodged a new and near identical (twin-tracked) application (reference TWC/2015/0364) and that application was scheduled to be determined at the next meeting of the Planning Committee when outstanding transport information should be available.

Councillor M B Hosken, Ward Councillor for Ercall, spoke in opposition to the application in terms of the existence of a five year deliverable housing land supply, highway safety and increased use of alternative routes into Wellington Town Centre, utilities, sewerage, drainage, green space, loss of agricultural land, loss of amenity and that the application was contrary to local community needs.

Councillor G K Cook, Ward Councillor for Haygate, welcomed the recommendation to invite refusal of the application and noted the high level of local opposition. He noted the site was outside the development area and would negatively impact on local infrastructure. He also expressed fears regarding road safety and an increase in traffic congestion.

Cllr J M Seymour, Ward Councillor for Wrockwardine, considered that all the objections which had been made to the application when it was originally considered in May 2014 remained and lamented that the previous lack of five year deliverable housing land supply had to take precedence over local objections. She argued that the site was not suitable for residential development and particularly highlighted concerns regarding the site being outside the development area, rural development, loss of prime agricultural land, impact on heritage assets and the impact on the landscape.

Mr J Pattinson spoke on behalf of local residents who opposed the proposals. He referred to the announcement that the Council now had a five year housing land supply, government guidance to planning authorities to place more emphasis on the development of brownfield land and the development of the draft Local Plan. He considered the proposals were unjustified and speculative and also highlighted issues regarding the negative impact on the landscape and Orleton Hall Park, traffic and highways.

The Planning Officer referred Members to sections of the report dealing with the principle of development, sustainable development, loss of agricultural land, impact upon heritage assets and impact on landscape. She reminded Members of the existence of the five year housing land supply, the robustness of which had been successfully tested at appeal (application TWC/2014/0236). This meant that the Council's Core Strategy and Local Plan could now be considered up to date and the application could be assessed against those policies as set out in the comprehensive report.

During the ensuing debate, Members welcomed the announcement of a five year housing land supply which would allow them to fully consider this application against current Council policies. Members expressed particular concerns regarding the location and character of the area, increased levels of vehicular traffic, loss of prime agricultural land, school places and impact upon heritage assets. Overall, Members did not believe the proposals were in accordance with the National Planning Policy Framework or local policies, including the draft Local Plan.

In response to comments made by speakers, the Development Management Service Delivery Manager reiterated the consequences of the announcement that the Council could demonstrate a five year housing land supply in terms of local policy and also reminded Members that their decision was to provide officers with a view on the application to take forward to the Planning Inquiry.

Upon being put to the vote it was unanimously:-

RESOLVED – that with respect to planning application TWC/2013/1033 the Inspector be informed that the Council will oppose the appeal proposals and invite that outline planning permission be withheld for the following Reasons:

- 1. The proposal represents unacceptable encroachment into the open countryside which is of local importance at a key approach into Wellington and the loss of an extensive area of high quality agricultural land for which there is no housing justification and would therefore adversely affect the character and appearance of the area which has historic and sensitive value. Accordingly, the proposal is contrary to adopted Core Strategy Policies CS1, CS3, CS7, CS11, CS12, CS13 and CS14, saved Policies H9, OL6 and HE24 of the Wrekin Local Plan and the National Planning Policy Framework.**
- 2. The proposal would adversely affect the setting of the adjacent listed park at Orleton Hall and the impact upon this heritage asset, for which there is no housing justification would adversely affect the character and appearance of the area. Accordingly, the proposal is contrary to adopted Core Strategy Policies CS1, CS3, CS7, CS11, CS12 and CS14, saved Policies H9, OL6 and HE24 of the Wrekin Local Plan and the National Planning Policy Framework.**

(b) TWC/2014/0612 - Land at Muxton Lane, Muxton, Telford, Shropshire

At its meeting on 17 December 2014, the Planning Committee had resolved to refuse this application for outline planning consent for the erection of up to 110 dwellings with associated access with all other matters reserved. The applicant had subsequently lodged an appeal against the decision.

This report set out the consequences of the announcement that the Council could demonstrate a five year housing land supply in terms of local policy and material planning considerations and, in light of these changes in circumstances, Members were asked to consider the proposed approach that the Council would take in defending the appeal.

Mr P Loughlin spoke on behalf of local residents who opposed the application on the grounds that the applicant's reasons for appeal were tenuous or factually incorrect. In particular, Mr Loughlin referred to the traffic survey, highway safety, landscape, and argued that the adverse impacts outweighed any benefit of the proposals.

Referring to the report before them, Members discussed the application in terms of the conflict with planning policy due to the existence of a five year housing land supply, protection of the landscape and "Lilleshall Gap", sustainability and highways.

The Development Management Service Delivery Manager commented upon the status of the draft Local Plan, advising Members that it would hold greater weight by the time of the Inquiry and offered reassurance that there was robust evidence to support the policies upon which the Council would seek to rely.

On being put to the vote it was unanimously:-

RESOLVED – that with respect to planning application TWC/2014/0612 the Inspector be informed that the Council will oppose the appeal proposals and invite that outline planning permission be withheld for the following Reasons:

- 1. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.**
- 2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new**

development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the draft Telford & Wrekin Local Plan. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF Wrekin Local Plan Policy H9 and Core Strategy Policies CS7 and CS9.

- (c) TWC/2015/0132 - Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire

This was an outline application for the erection of three detached dwellings and detached double garages, with all matters relating to access, appearance, layout, scale and landscaping to be dealt with at the Reserved Matters stage. Lilleshall Parish Council had requested that the application be determined by Planning Committee.

Councillor J Taylor, representing Lilleshall Parish Council, spoke to oppose the application on the grounds that the location of the proposed development was inappropriate in view of the proximity to the existing farm and feared the future of the farm could be jeopardised.

Councillor A J Eade, the local Ward Councillor, also spoke against the application on the grounds that there would be a detrimental impact upon the existing farm business and it was contrary to local policy, particularly in terms of encroachment on the countryside, and was not an identified settlement in terms of policy CS7, the site was not an infill site, protecting the character of the village, lack of community gain to extinguish the existing use of the land and that the site did not meet the definition of brownfield land.

Mr P Hill, the neighbouring dairy farmer, also spoke in opposition to the application in terms of the anticipated conflict between the proposed residential development and the farm business. He believed the environmental impact assessment was flawed in terms of noise, fly count and odour. He did not believe that if the situation were reversed, the siting of a dairy farm would be approved in such close proximity to a residential development.

Mr A Williams, the Applicant's agent spoke in support of the application which he argued was of small scale, low density, well screened, sustainable, accorded with policy and located on a brownfield site. He considered that there would be an imperceptible increase in traffic, that Public Rights of Way were a civil matter and noted the lack of objection from statutory consultees. He commented upon the site's relationship to the farm and upon the assessment of odour and pest control issues which had been endorsed by the Environmental Health Officer.

The Planning Officer advised Members regarding the principle of development, particularly in relation to recent refusals for housing development in Lilleshall, the

current brownfield and established use of the land, the Environmental Health Officer's assessment of the relationship with adjacent farm use, and the lack of technical objection subject to mitigating conditions. She also noted that the recommendation sought delegated authority to the Development Management Service Delivery Manager to grant planning permission but that this was inappropriate since there was not a Section 106 Agreement involved.

The Committee considered points raised by speakers and information provided by the Planning Officer in conjunction with the report, particularly relating to the brownfield use of the land, impact of the farm on the living conditions at the proposed dwellings and how this could potentially impact the farm business, impact upon the archaeological remains of Donnington Wood Canal and the previous reasons for refusal as set out by the Planning Inspector. One Member advised that he had visited the site and commented upon the farm odours. Members considered that if the situation were reversed, they would not grant permission for a dairy farm in such close proximity to residential dwellings.

There being no proposer that the application be given outline approval, it was proposed and seconded that outline approval be refused and following a vote it was unanimously:-

RESOLVED – that with respect to planning application TWC/2015/0132 planning permission be refused on the grounds that the close proximity to New House Farm dairy farm would have a detrimental impact on the amenity of the proposed development, that the site was not an infill site and that the development was an unacceptable extension to the village of Lilleshall into the countryside and was not a key settlement in policy terms.

(d) TWC/2015/0192 - Site of Windhover, Buildwas Lane, Little Wenlock, Telford, Shropshire

This application sought full planning consent for the erection of a single detached dwelling with associated access and landscaping. Little Wenlock Parish Council had requested that the application be determined by Planning Committee.

Councillor J Esp spoke on behalf of Little Wenlock Parish Council to oppose the application on the grounds that it was contrary to the Parish Plan, National Planning Policy Framework and local policies including the draft Local Plan. She commented that the personal circumstances of the applicant did not represent a material planning consideration and was concerned that the proposals would set a precedent for development.

Councillor J M Seymour spoke as local Ward Councillor to put forward local concerns about the application. In principle she was not opposed to the proposals but considered that the design was inappropriate in this location.

Mr A Lees spoke as a near neighbour who also opposed the application on the grounds of sustainability, contrary to Local Plan, location, setting a precedent for development, previous planning history, design and appearance, character and increased vehicular movement.

Miss J Allingham spoke as a local resident in favour of the application noting the discrete, eco-friendly design which would improve access for the disabled applicant who was an active member of the community. The new dwelling would allow the applicant to continue to live on site near her animals which would retain the therapeutic riding benefits on offer and secure the associated employment opportunities.

Miss Marilyn Miller, the Applicant, spoke in support of the application explaining the reasons for the application in light of her changed personal circumstances and the need for her to continue to live near to the therapeutic riding facility which she offered at the site. She noted the mixed character of dwellings in the village and commented on the design of the proposed dwelling which was situated to be hidden from view.

The Planning Officer referred the Committee to the principle of development in terms of the Local Plan and National Planning Policy Framework and also commented upon location and design. She advised the Committee that the 'Little Wenlock Parish Plan' held little weight as it was not a Neighbourhood Plan and that there had only been two objections to the proposals.

Members sought the detail of the previous planning refusal at the site and welcomed the high quality eco-design and considered location of this proposal.

Upon being put to the vote, it was unanimously:-

RESOLVED – that with respect to planning application TWC/2015/0192 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2015/0699 - 183 Woodside Road, Ketley, Telford, Shropshire, TF1 5WT

This was an application by an elected member for the erection of a new conservatory following the demolition of the existing conservatory. Members considered the information provided in the report and following a vote, it was unanimously:-

RESOLVED – that with respect to planning application TWC/2015/0699 planning permission be granted subject to the conditions as set out in the report.

The meeting ended at 7.40pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 7th October 2015 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

PRESENT: Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher, N C Lowery, P J Scott, M J Smith and C R Turley.

ALSO PRESENT: Councillors A Lawrence (for Planning Application TWC/2015/0556), S J Reynolds (for Planning Application TWC/2015/0701), J M Seymour (for Planning Application TWC/2015/0560) and S Bentley (for Planning Application TWC/2014/1093)

PC-046 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 16 September 2015 be confirmed and signed by the Chairman.

PC-047 APOLOGIES FOR ABSENCE

Councillor J Loveridge

PC-048 DECLARATIONS OF INTEREST

With regard to planning application TWC/2015/0556 Councillor N A Dugmore advised that he was a member of Donnington & Muxton Parish Council but had not been involved in any discussions on this application.

With regard to planning application TWC/2015/0556, Councillor C R Turley advised that he was a member of the Granville Country Park Local Nature Reserve Management Committee but had not been involved in any discussions on this application.

PC-049 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-050 SITE VISITS

None

PC-051 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

(a) TWC/2015/0556 – Land East/Southeast of Granville Drive, off Muxton Lane, Muxton, Telford

This was an outline application for a residential development of up to 78 dwellings with associated access with all other matters reserved. The application site was approximately 10.4ha in size adjoining the built up area of Telford as defined within the Wrekin Local Plan. The site was in agricultural use and comprised of pastoral grassland fields with mature hedgerows. There was existing housing to the north west of the site and to the south west on the opposite side of Muxton Lane. The illustrative plans indicated that the proposed housing would occupy 2.9ha of the site within the field to the south east of Granville Drive and adjacent to Muxton Lane. The remainder of the site would remain undeveloped and preserved as a managed nature conservation area and wildflower meadow. This application had been submitted following the refusal of application TWC/2014/0612 in December 2014 for the erection of up to 110 dwellings on the same site. An appeal had been lodged against that decision, and this application sought to overcome the previous reasons for refusal. The main differences were that the field at the end of Granville Drive would no longer be developed for housing, there would be 32 fewer dwellings, there would be a single access point onto Muxton Lane rather than two, and a shorter length of Muxton Lane would need to be widened which would reduce the amount of hedgerow that would need to be ‘translocated’.

Councillor A Lawrence, Borough Ward Member, addressed the Committee, and stated that there was very strong feeling locally against this application, as evidenced by the number of objections and a petition containing 673 signatures. This site was in a rural location and comprised open countryside which was inappropriate for this scale of development. Although this application proposed fewer houses, the principle of development on this site was still flawed and contrary to a number of Local Plan policies. The development would still create traffic problems and congestion on Muxton Lane, and exacerbate existing safety concerns.

Mr P Loughlin, on behalf of local residents, addressed the Committee and stated that this application was very unpopular in the local community. The application site was outside the Local Plan area, and now the Council had a published five year supply of housing land there was no need for these additional houses on a greenfield site. The development would result in a lot of extra traffic entering and exiting onto a quiet and narrow lane, and would pose a hazard to walkers and families walking to and from Granville Country Park. This was not a sustainable location, and there were more suitable sites for housing elsewhere. It was important to respect green spaces and therefore the application should be refused.

The Planning Officer advised on the principle of development, design and landscape impact, highways issues, ecology issues, affordable housing, sustainable development, drainage and flood risk, planning obligations and S106 contributions, and impact on local heritage features. There were a couple of errors in paragraph 6.7.8 of the report regarding the Strategic Urban Extension on the north eastern edge of Telford – this cluster of sites would amount to 41.8ha rather than 83ha with a possible yield of 750 dwellings rather than 2,538. The Council had in excess of a 5 year supply of deliverable housing land, and therefore the relevant Core Strategy and saved Local Plan policies relating to the supply of housing could be relied upon

in consideration of the application. The application was not in accordance with policies CS7 (Rural Area) and H9 (Location of New Housing) and could not be justified on those terms. In relation to design, it was considered that there was insufficient information to demonstrate that 78 homes could be accommodated on the part of the site identified for development, bearing in mind other constraints. It was also considered that the new application did not fully address the issue of undesirable coalescence between the urban area of Telford and the village of Lilleshall. There were also concerns that the applicant had failed to satisfactorily demonstrate that the proposed managed conservation areas and other biodiversity measures were financially viable, and that insufficient information had been submitted in relation to the great crested newt surveys. However, the applicant had just submitted an update with further details and costings of the proposed biodiversity plan. Overall, while it was recognised that the applicants had sought to address the concerns about their previous application, a number of policy issues had not been overcome. It was considered that the development did not meet the sustainable development objectives of the NPPF, there would be a significant and demonstrable harm resulting from the development, and it was therefore recommended that the application be refused for the reasons set out in the report. In relation to reason 4, it was suggested that authority be delegated to Officers to assess whether this reason would still be appropriate following proper consideration of the updated information on biodiversity/ecology/wildlife issues submitted by the applicant.

During the ensuing debate, Members noted that the application was contrary to a number of policies in the Core Strategy and Local Plan. Reference was made to the serious traffic problems that already existed in Muxton Lane, which was considered to be unsuitable for providing access to and from a development of this size. There were serious questions about the lack of local infrastructure to support this development, and the development could not be considered to be sustainable. Members felt there was no justification to allow an extension of the development boundary into open countryside, and that it would result in an undesirable and unsustainable form of development.

RESOLVED – That with respect to planning application TWC/2015/0556 planning permission be refused for the following reasons:

- 1. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9, OL6 and OL11 and Core Strategy policies CS7 and CS11.**
- 2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new**

development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a Strategic Urban Extension with integrated infrastructure as proposed in the Telford & Wrekin Local Plan (2011 – 2031) consultation. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.

- 3. The applicant has failed to properly consider the constraints of the site and insufficient information has been provided to demonstrate that the site can accommodate 78 homes without resulting in a cramped form of development that would not be acceptable in terms of scale, layout and design. The proposal which would have an overly urban form in a rural location would harm the character and appearance of the area contrary to the NPPF and with the urban design objectives of CS Policy CS15 and saved Wrekin Local Plan Policy UD2.**
- 4. The applicant has failed to adequately demonstrate that the loss of an area of grassland of local interest in terms of its ecological value can be appropriately mitigated against. No information has been put forward to demonstrate that the mitigation proposed has been costed or included within a detailed viability appraisal of the development. In addition insufficient information has been submitted with the application to demonstrate that the impact of the development on Great Crested Newts has been fully considered. As such the proposed development is contrary to the NPPF and the provisions of Core Strategy Policy CS12**

and that authority is delegated to the Development Management Service Delivery Manager to finalise the reasons for refusal following consideration of whether the additional information submitted by the applicant in relation to ecological and wildlife issues is sufficient to address the concerns at reason 4. above.

(b) TWC/2015/0701 – Site of the Stafford Arms, Main Road, Ketley Bank, Telford

This was an application for the conversion of a de-licensed public house into 6 residential apartments, associated external alterations and creation of 13 parking spaces and 4 cycle spaces. The Stafford Arms public house was located off Main Road in Ketley Bank, and the site had a total area of approximately 0.92ha. The property was set out on three floors and was currently in need of refurbishment. There was an access to the side of the property leading to an area of hardstanding and gardens to the rear, where it was proposed to form a parking courtyard. An update report was tabled which contained additional information from the Local Highways Authority. Members of the Committee had undertaken a site visit earlier in the afternoon prior to the meeting.

Councillor S J Reynolds, Borough Ward Member, commented that while the scheme would improve a currently dilapidated site, there were concerns at the proposed access and egress to and from Main Road which would create a number of problems. If all the parking spaces to the rear of the property were occupied, it was believed that there would be difficulty for vehicles to manoeuvre to get in and out of the site, and that the development was likely to lead to increased on-street parking which would cause congestion on a fast, fairly narrow road. The visibility for vehicles leaving the site would be restricted by a nearby bus-stop.

Mrs E Mills, a local resident, had registered to speak but was unable to attend the meeting, and her comments were read out by the Planning Officer. This development would cause an increase in traffic in what was a quiet area containing a lot of elderly residents. She also highlighted the dangers to pedestrians and road users from vehicles coming out onto Main Road from the proposed development.

The Planning Officer advised on the principle of residential development and the loss of a community facility, land stability considerations, impact on the character of the area and on neighbouring properties, highway considerations and other matters, and the need for this facility. A number of representations had been received, with 13 letters of objection and an objection from Oakengates Town Council. Notwithstanding these objections, it was considered that the use of the Stafford Arms as a public house was no longer viable, and that the loss to the local community was mitigated by two other public houses being in close proximity to the site. Residential use was considered appropriate to bring the site back into use, and the proposed development would not lead to an unacceptable impact on the character of the area (which was largely residential in nature) or the amenity of local residents. The comments of the Highways Officer had been carefully considered, but on balance it was considered that the parking provision was adequate and that the vehicle movements to and from the site would not cause an intensification of use to such a degree that it would be detrimental to highway safety. The application was therefore recommended for approval subject to conditions.

The Highways Group Manager reported on the additional representations and information provided in the update report. There was some doubt as to whether the area to the rear of the public house had been used for customer parking, and that traffic movements generated from use as a public house were different to those arising from a residential use. The Highways Authority was recommending refusal of the application in the interests of highway safety, with the main concern relating to severely substandard visibility at the access point onto Main Road, and that the proposed use would introduce additional exiting vehicle movements through the substandard access, particularly during the morning peak traffic period.

During the ensuing discussion, Members referred to the current condition of the site and that re-development would be welcome in terms of the appearance of the area. However, there was considerable concern about the dangers to highway safety in terms of the poor visibility splay, additional traffic, and proximity of parked cars and a bus stop on Main Road to the access point. In response to a question about the feasibility of measures to address highway safety, the Highways Group Manager advised that a visibility mirror was not usually a solution for private junctions to the highway, and that traffic calming measures in the vicinity were unlikely to be viable.

The Committee were largely of the view that the proposed parking and access arrangements were not acceptable, but they would welcome further discussions by Officers with the applicant to find a suitable scheme for the site. It was then moved and seconded that the application be refused.

On being put to the vote, it was:-

RESOLVED – that with respect to planning application TWC/2015/0701 planning permission be refused for the following reasons:

Whilst there is no objection to the principle of residential conversion, the Local Planning Authority considers the proposed access to the site to be unsatisfactory by reason of restricted visibility to the right upon exiting the access from the parking area situated to the rear of the premises. The proposed use would introduce additional exiting vehicle movements through the substandard access, particularly during the morning peak traffic period hence the proposed development is detrimental to highway safety and contrary to Wrekin Local Plan policy H6 and Core Strategy policy CS15.

(c) TWC/2015/0560 – Land North of Rushmoor Lane, Bratton, Telford

This was an application for the installation of a 4.08MW-AC/5MW-DC ground-based Photovoltaic (PV) Solar Farm with associated infrastructure, landscaping and access. The application site was located in open countryside approximately 1.3km north west of the settlement of Bratton, and comprised 7.66ha of agricultural land over two fields belonging to Cheshire Coppice Farm. The development would include approximately 816 arrays mounted on pole foundations, each containing 24 solar PV panels, set out into a 12x2 arrangement running horizontally across the site. The site would be accessed from a new vehicular entrance to be provided onto Rushmoor Lane.

Councillor J M Seymour, Borough Ward Member, addressed the Committee. She accepted the principle of solar power, but that location was the key. There were increasing numbers of applications coming forward for solar farms on agricultural land, and that a policy was needed in the emerging Local Plan to encourage such development in more appropriate locations. In relation to this application, she referred to the development of a solar farm by the same company at Tiddiecross, where conditions about hours of work and access routes to the site for construction traffic had been blatantly ignored. There needed to be proper assurances and enforcement built into any conditions for planning permission on this site in order to avoid the problems that had been experienced at Tiddiecross. There were also concerns about the additional traffic that would be generated on Rushmoor Lane during the construction period, given that 40 tonne articulated lorries already used the route.

Ms D Marriage, the Applicant's agent, addressed the Committee, particularly in relation to the construction phase for the development. Her clients were aware of the problems at the Tiddiecross site, and would be employing an experienced site manager for this scheme, who would make contractors and suppliers clearly aware of the operating times and agreed access routes. The route into this site was

relatively simple. A phone number would be provided for local residents to ring if they experienced any problems during the construction phase. A mixed species grass meadow would be seeded around and beneath the arrays and the site would be seasonally grazed by sheep.

The Planning Officer advised on the principle of development, visual impact, loss of agricultural land, highways and access, residential amenity and other matters. In relation to the comments about the construction phase, he advised that the construction period would be over a relatively short timespan of 10-12 weeks. It was not considered that the likely number of vehicle movements during the construction period would be excessive. A management plan had been agreed with the applicants which put restrictions on the times of working, delivery hours and access routes to the site – and these were set out in the report. In response to a Member question, he confirmed that the applicant's original proposal was for construction works between 6.30am and 8.30pm, 7 days a week. Following negotiations with the applicant, there had been a significant improvement in the hours (including no Sunday working) and these were considered to be reasonable. The proposal was considered to be compliant with the Council's planning policies and with the presumption for sustainable development in the NPPF. The land was not of high quality agricultural value, and could be returned to agricultural use at the end of the 25 year lifespan of the solar farm. In terms of visual impact, the site was well screened and would not be visible from any key viewpoints in the area. The application was therefore recommended for approval.

During the ensuing discussion, the Development Management Service Delivery Manager added that the Planning Enforcement team would be asked to prioritise monitoring of this site to ensure that the conditions on operating hours etc were being complied with. The Committee were generally happy to support this application, but did feel that more should be done to encourage the development of solar farms/panels in existing industrial areas or on industrial buildings rather than on greenfield sites in rural areas. The Development Management Service Delivery Manager advised that he would ask colleagues in the Planning Policy team to take this suggestion on board as part of the work on producing the new Telford & Wrekin Local Plan.

RESOLVED – that with respect to planning application TWC/2015/0560, planning permission be granted, subject to the conditions set out in the report.

(d) TWC/2015/0369 – Land off Garfield Road, Red Lake, Ketley Bank, Telford

This was an outline application for the erection of up to 45 dwellings with all matters including access, appearance, layout, scale and landscaping reserved for later consideration. However, the applicant had submitted an indicative layout showing 45 dwellings with a mix of detached, semi-detached and terraced dwellings. The site covered 1.2ha comprising undulating scrubland, part of which was being used for the open storage of concrete pipe sections and other building materials. The surrounding area was predominately residential in character. The land fell within the Borough's Green Network designation.

The Planning Officer advised on the principle of development, land stability, impact on the Borough's Green Network designation, impact on the character and appearance of the area, financial contributions and affordable housing. An update report was tabled, which provided clarification on the proposed Section 106 contributions and an amended recommendation to reflect these matters. In respect of affordable housing, the applicant had submitted a Viability Appraisal which concluded that the scheme would be unviable should the requirement for 38% affordable housing be applied on top of the other financial contributions. Discussions had been held with the applicants, and it had been agreed that in order to bring this site forward for development, affordable housing would not be requested subject to the agreed financial contributions for local recreation and education facilities being made. In terms of the Green Network, the applicant had submitted a Landscape and Visual Appraisal and Phase 1 Environmental Survey. It was accepted that the land was enclosed and inaccessible to the public and did not have any significant wildlife or ecological value, and therefore it could be argued that it was more of a brownfield site in nature given its previous and current use.

Members noted that there had only been two letters of objection, although concern was expressed about the proximity of the M54 motorway to the site with the potential issue of traffic noise. In response, the Planning Officer advised that there would be a condition to require the applicant to provide details of appropriate noise mitigation measures.

RESOLVED – That with respect to planning application TWC/2014/0369, authority be delegated to the Development Management Service Delivery Manager to grant outline planning permission subject to:

- a) **The applicant entering into a section 106 agreement with the Local Planning Authority in relation to:**
 - 1. **A contribution of £15000 towards the enhancement and improvement of the existing bus stops specifically within the vicinity of the site along Garfield Road;**
 - 2. **£600 per dwelling towards upgrading existing nearby off site equipped areas specifically the two nearest play areas at Mannerley Wood and Ketley Bank.**

- b) **the conditions set out in the report (and any others that officers deem appropriate)**

(e) TWC/2014/1093 – Site of Lyndale, Middle Lane, Cold Hatton Heath, Telford

This was an application for the demolition of an existing three bedroom bungalow, garage and various outbuildings and erection of a 4 bedroomed dwelling with double garage on approximately the same location, and with creation of access to provide on-site parking for several vehicles. The site was a sizeable, relatively level plot off Middle Lane in the rural village of Cold Hatton.

Councillor S Bentley, Borough Ward Member, addressed the Committee and wholeheartedly supported the Officer recommendation for approval of this application. He thanked Officers for the advice and support that had been provided to the applicants to find an acceptable scheme, and thanked the Committee for allowing the late withdrawal of a previous application.

The Planning Officer advised on the principle of development, design, mass and scale of the development, highways, drainage and ecology issues. The design of the dwelling originally submitted and subsequent plans were considered to be out of character with the area and local environment. However, following discussions with the applicant, agent and ward member, the most recent amendment to the application had addressed these concerns by significantly reducing the eave height and overall height of the dwelling, thereby limiting the potential impact and addressing neighbour's concern for the potential for conversion within the roof space. The height of the chimney had been raised, and so should not affect neighbouring properties. It was considered that the scheme as now submitted was acceptable and would not have a significant adverse impact on the character of the area or the immediate neighbouring dwellings.

RESOLVED – that with respect to planning application TWC/2014/1093, planning permission be granted, subject to the conditions set out in the report.

The meeting ended at 7.26 pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 28th October 2015 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

PRESENT: Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher, N C Lowery, S J Reynolds (substitute for J Loveridge), P J Scott and C R Turley.

ALSO PRESENT: Councillors S. Davies and K S Sahota (for Planning Application TWC/2015/0790), and Councillor B D Tillotson (for Planning Application TWC/2015/07778)

PC-052 APOLOGIES FOR ABSENCE

Councillors J Loveridge and M J Smith

PC-053 DECLARATIONS OF INTEREST

With regard to planning application TWC/2015/0811, Councillor I T W Fletcher declared that he personally knew both the applicant and the main objector – and he would therefore withdraw from the meeting during consideration of this application.

With regard to planning application TWC/2015/0763 Councillor N A Dugmore advised that he was a member of both Donnington & Muxton Parish Council and Granville Country Park/LNR Management Committee but had not been involved in any discussions on this application.

With regard to planning application TWC/2015/0790, Councillor C R Turley advised that he was a member of Great Dawley Town Council, but had not been involved in any discussions on this application.

With regard to planning application TWC/2015/0763 Councillor C R Turley advised that he was a member of Granville Country Park/LNR Management Committee but had not been involved in any discussions on this application.

With regard to planning application TWC/2015/0763 Councillor I T W Fletcher advised that he was a member of Granville Country Park/LNR Management Committee but had not been involved in any discussions on this application.

PC-054 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 7 October 2015 be confirmed and signed by the Chairman.

PC-055 DEFERRED/WITHDRAWN APPLICATIONS

With regard to planning application TWC/2015/0566 – erection of 3 dwellings on land adj to 4 Tunnel Cottages, Stirchley - the Development Management Service Delivery Manager reported that the applicant had now submitted amended plans for the development. It was also considered that a site visit would be beneficial, and therefore it was recommended that the application be deferred.

RESOLVED – that with respect to planning application TWC/2015/0566, the application be deferred to the next meeting

PC-056 SITE VISITS

Further to the Officer recommendation for a site visit above, it was

RESOLVED – that with respect to planning application TWC/2015/0566, a site visit be held on Wednesday 18 November 2015 at 3.30pm

PC-057 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

- (a) TWC/2015/0777 – Grove House Hotel, 17 Whitchurch Road, Wellington, Telford

This was a full application for change of use from a hotel (use class C1) to a children’s day care nursery (use class D1) with associated internal works and landscaping and parking. No external alterations to the main building were proposed. It was proposed to erect a 2.3m high wall to separate the parking area from the landscaped play area, and the front parking area would be reconfigured to provide 19 spaces. A separate application for Listed Building Consent (TWC/2015/0778) had been submitted, and was considered by the Committee in conjunction with this application. The application site consisted of a large 3 storey early 19th century detached property which was Grade II listed. It was surrounded by mainly residential properties and was a short walking distance from Wellington Town Centre. The property had most recently been used as a hotel until its closure in February 2015. The applicants considered that it was a suitable building to which to re-locate their existing Honeybuns Nursery Group after the expiry of the lease at its current location at the Princess Royal Hospital site.

Councillor B D Tillotson, Borough Ward Member, addressed the Committee and outlined the concerns of local residents regarding noise, parking and traffic congestion. The rear of the application site adjoined dwellings on St Chads Close, and it was feared that the noise from children playing outside would cause disturbance to local residents potentially from 7.30am to 6.30pm, 50 weeks a year. It was believed that the on-site parking provision was inadequate and would be largely used for staff parking. This would mean parents dropping off or picking up their children would be likely to park on neighbouring streets and cause disruption

and congestion. There were also concerns at the generation of additional traffic on Whitchurch Road and how delivery vehicles would access the site. This proposed change of use was inappropriate and would blight the lives of local residents.

Mr J Lawrence, the Applicant's agent, addressed the Committee and stated that his client wished to work positively with the local community to allay any concerns. In terms of traffic, a nursery was not the same as a school because not all the children attended for the same number of hours, and therefore there would not be the same peaks of traffic sometimes seen outside schools. Staff would be encouraged to cycle to work or use the bus, and it was estimated only around half of employees would bring their car. The applicant had sought to address the concerns about noise by agreeing to a condition to limit the numbers of children playing outside to 16 at any one time.

The Planning Officer advised on the principle of change of use, impact on the Grade II listed building, highways and parking, impact on residential amenity and other matters. Three letters of objection to the proposed change of use had been received from neighbouring occupiers, mainly relating to highways and parking, safety and noise. It was considered that the proposed change of use would create an acceptable long term use for this building without adversely affecting its character and appearance. It was within a sustainable location close to Wellington Town Centre and easily accessible by foot or bus. Concerns had been raised about the possible use of nearby roads for parking by parents dropping off and collecting their children. The applicants had sought to address these fears, and had submitted a Travel Plan. The Highways Officer had not raised any objections, but was requesting a contribution of £3,000 towards the placing of double yellow lines to the front of the site to help avoid parking on the main Whitchurch Road and to assist visibility when exiting the site. In relation to concerns from neighbours about noise that might be created by children playing outside, the applicants had agreed to a condition that no more than 16 children could play outside at any one time. The application was therefore recommended for approval, subject to a Section 106 Agreement and conditions.

During the ensuing discussion, Members felt that this was an appropriate use for this listed building, and that the use would support jobs and the local economy. However, some concerns were expressed as to whether there was adequate on-site car parking provision for both staff and parents and whether more spaces should be provided. The Planning Officer advised that the Highways Officer was satisfied that the level of parking proposed was acceptable and would not lead to an adverse impact upon the surrounding highways. In response to a question about deliveries to the premises, he stated that deliveries would be made twice a week and after 9.30am. All deliveries could be made with access to the front of the building off the main highway.

RESOLVED – that with respect to planning application TWC/2015/0777, authority be delegated to the Development Management Service Delivery Manager to grant planning permission subject to:

- a) The applicant/landowner entering into a section 106 agreement with the Local Planning Authority in relation to:

i) A contribution of £3000 towards highways improvements (to be spent specifically on the implementation of double yellow lines to the front of the application site on Whitchurch Road);

b) the conditions set out in the report

(b) TWC/2015/0778 – Grove House Hotel, 17 Whitchurch Road, Wellington, Telford

This was an application for Listed Building Consent for the change of use from a hotel (use class C1) to a children's day care nursery (use class D1) with associated internal works and landscaping and parking. A separate full planning application for the change of use (TWC/2015/0777) had been submitted, and was considered by the Committee in conjunction with this application – see (a) above.

The application site consisted of a large 3 storey early 19th century detached property which was Grade II listed. The property had most recently been used as a hotel until its closure in February 2015. The applicants considered that it was a suitable building to which to re-locate their existing Honeybuns Nursery Group after the expiry of the lease at its current location at the Princess Royal Hospital site. No external alterations were proposed to the main building, although it was proposed to erect a 2.3m high wall to separate the parking area from the landscaped play area. The materials and appearance of the new wall would match the existing building and side boundary wall. Internal works would include the removal of partition walls that were not original to the building. The Conservation Officer had not raised any objections to the development.

RESOLVED - that with respect to planning application TWC/2015/0778, authority be delegated to the Development Management Service Delivery Manager to grant Listed Building Consent, subject to the conditions set out in the report.

(c) TWC/2015/0790 – Telecommunications Mast, Dawley Green Way, Dawley Bank, Telford

This was an application for replacement of an existing 17.4m high monopole (including 3 antennas) mast with a 17.5m high monopole mast with 6 shrouded antennas, a microwave transmission dish and replacement of one equipment cabinet with two equipment cabinets, and ancillary development. The new antennas would have dual user capabilities for use by two network providers, and the proposed upgrading of the base stations was required to retain both existing coverage and to increase capacity to cater for future 4G coverage demands in the area. The Planning Officer advised that the report had stated in error that the new mast would be the same height as the existing mast - it would actually be 10cm taller than that.

The application site was located on the fringe of Malinslee Playing Fields adjacent to Dawley Green Way, and adjacent to a pedestrian/cycle path and subway within a well-established belt of trees, shrubs and hedging.

Councillors S Davies and K S Sahota, Borough Ward Members, addressed the Committee on behalf of local residents. The new mast would be wider than the existing one, and would be more intrusive. Its visual impact on the amenity of residents would be unacceptable. Many residents had not wanted the mast there originally and had believed that it would be removed on expiry of its consent. The site was between two primary schools and sat next to a playing field that was being increasingly used for community events. The visual impact of the mast would have a detrimental impact on the character and appearance of the area.

Mr J Mitchell, a local resident, addressed the Committee and contended that the report wrongly said that the mast was on Dawley Green Way – it was on the St Leonards Playing Field. The playing field was a heritage site and should be protected from harmful development. The existing mast should not have been there in the first place, and it was felt that residents had been misled.

The Planning Officer advised on the principle and need for the development, the impact on the character and appearance of the area, and health matters. Following neighbour consultation, one letter of objection had been received. It was considered that this was a relatively modest proposal for a replacement mast which would facilitate mast sharing. Visually, the existing tree belt would continue to screen views of the mast from within the surrounding area. The mast was set back from the highway and did not draw the eye in the street scene. The applicants had submitted an ICNIRP Declaration which certified that the site was in full compliance with national guidelines regarding public safety from frequency emissions. The permission for the current mast was granted in 2006, and it was believed that it was still an appropriate site for such a development. The application was therefore recommended for approval.

Members referred to the comments from the local resident about the location of the mast and the “protected” status of the playing field, and sought clarification. It was also asked whether the applicants had looked at any alternative sites in the vicinity for this mast. The Assistant Director: Planning Specialist advised that the mast was situated on Council owned land on the edge of the playing field, which had been granted QE2 Fields in Trust status in the last few years. The Planning Solicitor stated that he did not believe that ‘Field in Trust’ status presented a technical issue in relation to a development of this nature, but considered that it was something that might need checking. In terms of alternative locations, the Planning Officer advised that as part of the application, the applicants had to demonstrate that they had examined other possible sites in the area, but he did not have the details to hand.

In order to receive this additional information and clarification on the “protected” status of the playing field before making a decision on the application, it was moved and seconded that the application be deferred. Upon the vote being taken, it was:

RESOLVED - that with respect to planning application TWC/2015/0790, the application be deferred to the next meeting in order for clarification to be sought on the ‘protected’ status of the St Leonards QE2 Fields in Trust site and for further information to be provided on any alternative sites for the mast that had been looked at by the applicant.

(d) TWC/2015/0763 – Land SW of Lodge Cottage, 1 Lodge Road, Donnington Wood, Telford

This was an outline application for the erection of a detached dwelling and garage with associated access, with all other matters reserved. The site comprised a corner piece of land in a rural location immediately against the junction of Granville Road and Lodge Road to the east of the main built-up area of Telford. The site had been subject to some ground clearance including the removal of a number of trees. An update report was tabled which contained additional information from the applicant in response to objectors' comments, as well as a further plan and photos of the site.

Councillor C Mason, on behalf of Donnington & Muxton Parish Council, addressed the Committee and spoke strongly in favour of the application. He detailed the history of the past industrial use of the land in this vicinity, which demonstrated that this piece of land was a brownfield site and should be considered as 'urban' in nature. The dwelling would be only for the applicant and his family, who had lived in the locality for many years. Some petitions had been submitted against this development, but it appeared that none of the signatories lived anywhere near the site.

Mr Z Khan, a local resident, addressed the Committee and stated that this was not a suitable site for a residential property. The site was located at the base of the Granville landfill site and next to an industrial scrap yard, and there would be a risk to health and other environmental hazards/nuisances for any persons living there if the application was allowed. He was in agreement with the Officer's recommendation to refuse the application.

Mr C Roberts, the Applicant's Agent, spoke in support of the application. He noted that there were no objections from the Highways department or any issues of contamination. There was no basis for refusing the application on the grounds raised by objectors, and many of the objectors did not live near to the site. He believed that the boundary of the Telford urban area defined in the Wrekin Local Plan was out-of-date and that the application should be considered in terms of the guidance set out in the National Planning Policy Framework. This was a sustainable development on a brownfield site. It was believed that the land had not been in agricultural use for over 100 years, and there had been an established use as part of the former Granville Colliery.

The Planning Officer advised on the principle of housing at the site, impact on the character and appearance of the area and on neighbouring properties, and highways and drainage considerations. Five letters of objection had been received, along with two petitions with over 60 signatures opposing the proposed development. Since the preparation of the Committee report, a further three letters of objection had been received from local residents together with a further petition against the development. However, these had not raised any new issues. The Wrekin Local Plan was not out of date, and its policies were still relevant. It was considered that the application site was contrary to Policy CS7 in the Core Strategy, as it was outside of the three key identified settlements for development in the rural area. It was also considered that the proposal represented an unsustainable form of development

which did not meet any of the exceptional circumstances set out in the National Planning Policy Framework for allowing new isolated homes in the countryside. The development would also result in the loss of an area of important incidental open land which contributed to the character of the area, and was therefore contrary to Policy OL6 of the Local Plan and CS11 of the Core Strategy. There were no material considerations to justify a departure from policy, and it was recommended for refusal.

During the ensuing discussion, some Members did not feel that the site constituted an area of important incidental land in open countryside, but rather needed to be considered within the context of the wider locality which was former industrial land, and which now supported such non-agricultural uses as a scrap yard, equestrian centre, golf course and a residential property at 1 Lodge Road. As such, it appeared reasonable to consider the site as brownfield land, and that a small development of one dwelling would be sustainable in this location. Concerns were also expressed about the validity of the petitions that had been submitted against the application, and that many of the issues raised by objectors were not strong planning grounds for refusal. On balance, it was believed that objections on policy grounds could be overcome, and it was moved and seconded that the application be approved subject to appropriate conditions. Upon being put to the vote, it was

RESOLVED – that with respect to planning application TWC/2015/0763, authority be delegated to the Development Management Service Delivery Manager to grant outline planning permission, subject to conditions that officers deem appropriate.

(Councillor I T W Fletcher withdrew from the meeting before consideration of the following application)

(e) TWC/2015/0811 – 7 Cloisters Way, St Georges, Telford

This was a retrospective application for the erection of a 600mm high Diamond Rail and Bird Mouth railing on land to the rear of 7 Cloisters Way. The railing had been erected outside of the residential curtilage of the property but enclosed land that was within the applicant's ownership. The applicant had suggested that the railing had been erected to protect the existing landscaping from damage by vehicles driving over the land when entering a shared parking area to the rear. The site was within a residential street on a recently erected modern housing estate.

Mr Davies, a local resident, addressed the Committee and stated that the entrance to the parking area was very restricted on a blind corner, and the railing made it very difficult for more than one vehicle at a time to get past. It was therefore a danger to road users/vehicles as well as being a safety risk to children who used it as a place to sit and congregate. The applicant had previously objected to a similar fence/railing in the locality, and was now knowingly breaking the rules in erecting these railings without planning permission. The railings should be moved back to a safer position that provided no risk to the use of the shared parking area.

The Planning Officer advised on the principle of development, highways safety and appearance. St Georges & Priorslee Parish Council supported the application, and

two letters of objection had been received. The erection of a railing of this height was considered appropriate in terms of scale and design, and did not detract from the street scene. In terms of highway safety, this was not a main highway and vehicles were mainly going at low speeds. The development did not impede visibility or adversely impact on safety for a shared access leading to a private drive, and therefore there were no technical highway reasons to refuse the application.

While expressing regret at the retrospective nature of the application, Members considered that the application was acceptable in terms of highway safety and appearance. In response to a question about the feasibility of moving the railings back 6-12 inches, the Planning Officer advised that there were no technical planning reasons to request the relocation of the railing.

RESOLVED - that with respect to planning application TWC/2015/0811, planning permission be granted, subject to the conditions set out in the report.

(f) TWC/2014/0888 – Land adjacent to the Old Rectory, Waters Upton, Telford

This was a Reserved Matters application for the erection of 7 residential dwellings, a cemetery extension and car parking for cemetery visitors. The application site was located to the west of the village of Waters Upton and was currently overgrown grazing land that wrapped around the existing cemetery to the south. Outline approval for up to 12 dwellings, cemetery extension, car park and recycling area was granted in 2011, subject to a Section 106 Agreement for 50% social rented housing and contributions to education and play facilities. During the application process, the number of dwellings had been reduced to 7 due to issues with viability and building on the steeper part of the site to the east. The development was now below the threshold for requiring affordable housing and education contributions, and the application also sought approval for a variation of the S106 Agreement to remove these. The proposed dwellings were detached comprising of three, four and five bedrooms accessed from a communal private driveway off River Lane. The application no longer proposed a recycling area as residents in Waters Upton now had the benefit of a kerbside recycling collection service.

The Planning Officer advised on the principle of development, impact on the character and appearance of the area, impact on residential amenity of neighbouring properties, access, parking & highways, drainage, ecology issues, trees, and Section 106 contributions. There were no objections from statutory consultees, and in terms of neighbourhood consultation responses, one letter of support, three letters of objection and four further letters making additional comments on revised layouts had been received. Issues raised by the Parish Council and local residents had been examined, but it was considered that the layout, scale and appearance of the development were acceptable. It would have an acceptable relationship with neighbouring properties and have sufficient access and parking arrangements. It was considered to be in accordance with key policies in the Core Strategy and Local Plan, and with national policy guidance and was therefore recommended for approval.

During the ensuing discussion, Members welcomed the reduction in the number of dwellings for this development, which it was felt created a better scheme. Reference

was made to the request from Waters Upton Parish Council for River Lane to be made one-way to better accommodate the increases in vehicle movements, and whether this could be investigated. Comments were also made regarding the construction period for the development and the need for conditions on working hours and on construction traffic using River Lane. The Planning Officer advised that the principle of development and access arrangements, which included the consideration of River Lane with two-way traffic, had already been approved at outline stage and could not now be revisited under this application. However, Members concurred with a suggestion made by the Assistant Director: Planning Specialist that, separately from this application, the Highways Authority could be asked to look at the traffic usage/safety of River Lane. In relation to the construction period, the Planning Officer advised that the hours and access arrangements etc would be controlled through a Construction Management Plan.

RESOLVED – that with respect to planning application TWC/2015/0888, authority be delegated to the Development Management Service Delivery Manager to grant reserved matters consent subject to:

- a) The applicant/landowner entering into a section 106 agreement (variation) with the Local Planning Authority in relation to:
 - i) financial contribution to play facilities in the villages of Waters Upton and Crudgington;

- b) the conditions and informatives set out in the report.

The meeting ended at 7.35 pm

Chairman:

Date:

SCRUTINY MANAGEMENT BOARD

Minutes of a meeting of the Scrutiny Management Board held on Friday, 10 July 2015 at 10.30am in Meeting Room G4, Addenbrook House, Ironmasters Way, Telford, TF3 4NT

PRESENT: Councillors S A W Reynolds (Chair), S Bentley, A Burford, N A M England, V A Fletcher, E J Greenaway, K R Guy and J M Seymour.

ALSO PRESENT: F Bottrill, Scrutiny Group Specialist; S Jones, Scrutiny Officer; D Moseley, Scrutiny Officer.

SMB-01 ELECTION OF A VICE-CHAIR

The Chair welcomed everyone to the meeting and invited those present to introduce themselves.

The Chair sought views from Members as to the appointment of a Vice Chair. In the past, on the rare occasions on which the Chair had not been able to attend, a Chair had been elected at the meeting. Cllr. Bentley said he would like to nominate Cllr. Seymour, but the Chair said she first wanted to establish a view as to whether a Vice-Chair was needed. Cllr. Guy said he was happy to continue with the previous arrangements. Other Members were in agreement and Cllr. Bentley said he was happy to concur with the majority.

RESOLVED – that a Vice-Chair not be appointed.

SMB-02 MINUTES

The Chair asked Cllr. Guy as the only other Member who had been present if he agreed that the minutes of the meeting held on 27 March were an accurate record of the meeting, and Cllr. Guy confirmed that they were.

Cllr. Seymour noted from the minutes of the discussion about the Meals on Wheels service that Good Neighbour Service had still not been developed and she requested a report to be brought to the next meeting on the Board. Cllr. Fletcher said that she had heard the contracted provider of the Community Meals service had been charging users and she requested a report on performance of the contract and the charging model. The Scrutiny Group Specialist said that she would make an initial enquiry and that Members could discuss this further during the discussion on the work programme.

RESOLVED – that the minutes of the meeting of the Scrutiny Management Board held on 27 March 2015 be confirmed and signed by the Chair.

SMB-03 APOLOGIES FOR ABSENCE

None

SMB-04 DECLARATIONS OF INTEREST

None.

SMB-05 SCRUTINY WORK PROGRAMME

The Chair invited the Scrutiny Group Specialist to provide an introduction to the report on the Scrutiny Work Programme attached as Appendix C.

The Scrutiny Group Specialist explained that the report set out the end of year position from the previous Scrutiny Management Board work programme. The usual call for suggestions for the work programme at the start of the municipal year had not happened because of the number of issues carried over and the fact that the on-going CSE review would make up around half of this year's the work programme. The report set out the work that could be supported in terms of the number of meetings per committee which was a crude measure but enabled the Board to allocate resources across the Committees and for Members to decide their work programme. In the past Committees had held a meeting to agree the work programme but it was suggested that this could be done by email so that meeting time was focussed on scrutiny work rather than discussing the work programme.

Cllr. Guy referred Members to page 3 of the report which showed 30 meetings had been estimated for the Children & Young People Scrutiny Committee review of CSE. A clear decision had been taken last year to carry out the review and it was essential that it was done properly. Evidence had already been taken from senior managers of relevant agencies, except for the West Midlands Ambulance Service, Shropshire Doctors Co-operative Ltd, South Staffordshire & Shropshire Healthcare NHS Foundation Trust and the Crown Prosecution Service who were due to attend an inquiry day on 21 July. The Committee would then move to taking evidence from front-line staff, volunteers and any other relevant witnesses to get a view from the ground and, importantly, would hear from victims of CSE and their families. He apologised that the review would take up so much time but if the Council was to do this work then it needed to be done properly and adequately resourced. The evidence taking was due to be completed by January 2016 which may free up officer time as the review moved into the report writing stage, but it would take up a significant amount of officer time for the first year of the work programme. He asked other Scrutiny Committees to be sympathetic while work concentrated on CSE so the Committee could do a thorough job looking at the local picture linked to the national picture.

The Chair suggested that the Board could look at a two year work programme recognising that CSE would take a lot of time during the first year so the Committees could prioritise their work over a longer period.

Cllr. Fletcher asked whether the national Goddard review of historic cases of child sexual abuse would play into the CSE review and Cllr. Guy replied that it would. Cllr. Seymour agreed that the CSE review should take priority as a one-off piece of work but she felt that resources needed to be made available to address other important issues on the work programme otherwise it would undermine the scrutiny function. Cllr. Guy said he had discussed resources with the Managing Director and Assistant

Director and he had secured funding for two extra days officer time until the end of December to be reviewed again in September.

The Scrutiny Group Specialist said that based on estimated capacity for the year there would be approximately 18 meetings left over to allocate to the other Committees. If the funding for the extra officer time was extended it would increase capacity but they did not want to over-commit on that basis and plan work that could not then be delivered. The CSE review had taken months to set up and organise and was due to be completed in May. There was a risk of overrun but this was not advisable because information could become out of date if the review carried on.

Cllr. Bentley asked for clarification of the Board's remit in regard to the work programme. The Chair replied that the Board determined the allocation of resources between Committees and could recommend priorities for the work programme. She said that the Committees needed to be flexible and could hold informal or Member-led meetings to do more work and careful scoping would help focus on priorities.

Cllr. Bentley said that scrutiny should consider the issues which have the greatest impact on the community. He took comments on board about the CSE review needing to stick to the completion date but he felt there needed to be on-going work. Cllr. Guy agreed that there needed to be on-going monitoring but the review had a specific focus on how agencies work together and co-ordination between partners such as the police, GPs, the Council etc. Scrutiny had been criticised in the past for only talking to senior managers and they would be talking to front-line staff and victims.

Cllr. Bentley asked if the Committee had come up against obstacles with sharing information because of Data Protection legislation and Cllr. Guy said that according to senior managers there was a good system for sharing information but they would be testing the assertion out with frontline staff.

Cllr. Burford felt it was crucial for the CSE review to reach a conclusion and for on-going monitoring. He noted that the CSE review created a pressure point this year but felt there was scope for the Health & Adult Care Scrutiny Committee and the Joint Health & Overview Scrutiny Committee (JHOSC) to do more in one meeting and to do more joint working. He did not disagree with the headings listed and he was confident that they could be managed so that the CSE review could be prioritised for support.

Cllr. Seymour said that housing was a key issue and she suggested the Housing Allocations Policy and Tenancy Strategy should be a priority for scrutiny as well as the relationship with Registered Social Landlords (RSLs). These were important issues which needed to be looked at and Cllr. Seymour was concerned that they could be neglected. The Chair explained that the previous Scrutiny Management Board had met with RSLs last November and had made a number of recommendations which had gone to Cabinet in March. Cllr. Seymour said it was important to follow up on this work and she expressed concern that the Customer, Community and Partnership Scrutiny Committee had been allocated fewer meetings than other Committees.

Cllr. Guy asked Members whether they thought the number of Scrutiny Management Board meetings could be reduced. The Chair said she would like the Board to meet again before Christmas but suggested there was scope to reduce the number of meetings to 4 or 5 but she would like 'half-termly' progress reports. Cllr. England suggested there should be a minimum of 3 meetings – an initial meeting and mid-year and end of year reports. Cllr. Fletcher said there had been a very good Member briefing on CSE and these sessions were a good way for Members to be kept up to date. She suggested that a report should be requested from the commissioning officer on the Meals on Wheels service now that it had been in place for a year, including feedback from users and the CVS. She said the service could save people's lives by volunteers finding people who have collapsed at home. The Scrutiny Group Specialist noted that the Health & Adult Care and JHOSC work programme would be dominated by the Future Fit (hospital reconfiguration) consultation but a report could be provided for the Committee to decide whether any further work needed to be included in the work programme. An initial enquiry would be made to the service.

Cllr. Fletcher suggested that if the number of meetings were reduced, the Board could convene an informal meeting to consider any urgent matters arising.

The Scrutiny Group Specialist noted that previous Scrutiny Management Boards had brought issues to the Board for scrutiny and she suggested that if Members wished to reduce the number of meetings the Board could pass these items to the Scrutiny Committees and focus on its management role and on holding the Executive to account which was an important scrutiny function and could fill gaps in the work programme.

Cllr. Seymour agreed that the Scrutiny Management Board meetings should be reduced in favour of the Scrutiny Committees but noted that responsibility for scrutiny of Flood & Water Management had been re-allocated from the Board to the Customer, Community and Partnership Scrutiny Committee and as she did not know what was happening in this area to know if this was a priority.

On this basis the Chair proposed that the Scrutiny Management Board should be allocated a further 4 meetings for the year and that the Children & Young People Scrutiny Committee should be allocated 30 meetings for the CSE review and this was agreed by the other Members.

Following a discussion about the number of Scrutiny Management Board Meetings it was agreed that it would be planned that there would be 3 Board meetings during 2015/16. A fourth meeting would be held in reserve.

Cllr. Bentley asked Cllr. Guy as Chair of the Children & Young People Scrutiny Committee whether he was confident that the CSE review would be completed on time or whether there was a possibility it would be extended. Cllr. Guy responded that the timescale was tight but a comprehensive plan was in place to keep the review on track. The main risk of slippage was the meetings with victims or their families and the Committee would be flexible to meet their needs. He remarked that the statutory bodies had been very responsive and the Committee had spoken to top managers from key agencies. Cllr. Fletcher said that safeguarding victims was

paramount. The Scrutiny Group Specialist explained that a wide range of groups were involved in the review including vulnerable people and survivors. There were robust process in place for consulting with vulnerable people and the process had to be signed-off before meetings could take place. The process required a lot of additional work and Members were being asked not to hold meetings during August to allow the work to be planned.

Cllr. Fletcher said there was a need to be careful about language and describing people as 'victims' and Cllr. Guy said the Committee had discussed this already.

The Scrutiny Group Specialist pointed out that the number of meetings proposed in the report included meetings which had already happened as they had displaced work on the CSE review which had consequently fallen about 2 weeks behind and the time needed to be made up.

Cllr Guy gave his apologies and left the meeting at this point.

The Chair suggested that the 6 meetings allocated to the Finance & Enterprise Scrutiny Committee for scrutiny of the budget proposals could potentially be reduced to 4; the timetable had become more compressed with later settlements and the Committee could use informal meetings to decide which issues to look at and which Cabinet members to call in, but members of the Committee would need to support this approach.

Cllr. Burford suggested that joint scrutiny of the adult care budget by the Health & Adult Care and Finance & Enterprise Scrutiny Committees would save 2 meetings. The Health & Adult Care Scrutiny Committee had already had one meeting and Cllr. Burford envisaged needing 2 meetings in the autumn but no more than 2 or 3 from January to May by bringing items together onto one agenda to reduce the overall number of meetings from 8 to 5. The Scrutiny Group Specialist reminded Members that the Health & Adult Care Scrutiny Committee would include meetings of the JHOSC and Cllr. Burford said he would rather keep the meetings allocated to the JHOSC and reduce the allocation to the Health & Adult Care Scrutiny Committee. Cllr. Seymour agreed that work on the adult care budget could be joined up with Finance and Enterprise and she said that more work needed to be joined up between committees.

Cllr. Burford asked Cllr. Fletcher if she thought it was reasonable to reduce the number of Health & Adult Care scrutiny meetings from 8 to 5 and she thought it was. In the past issues such as the Quality Accounts had been considered outside formal meetings to agree comments and Members could work more at home to use up less meeting time.

The Scrutiny Group Specialist summarised the allocations discussed so far as 30 meetings for the Children & Young People CSE review, 3 meetings for the Scrutiny Management Board (2 remaining plus 1 additional meeting if required) and 4 meetings for the Finance & Enterprise Scrutiny Committee totalling 39 meetings which would leave 9 meetings between the Health & Adult Care Scrutiny Committee and the Customer, Community and Partnership committees.

Cllr. Bentley asked for clarification about how many meetings needed to be allocated as the report showed the total number of meetings as 59. The Scrutiny Group Specialist explained that the report set out the number of meetings that would be required to cover all the items in the work programme but the actual number of recommended meetings that could be supported was estimated at 48 and it was up to the Members to decide what to do with them. Cllr. Bentley asked how this had been arrived at when there had been 50 meetings in previous years with less resource and the Scrutiny Group Specialist said it had been adjusted down slightly to take account of the extra work involved in the CSE review which would take up the 2 extra days of officer time per week and would involve everyone in the team.

Cllr. Seymour asked whether the JHOSC meetings organised and hosted by Shropshire were counted and the Scrutiny Group Specialist replied that they were because there was still a lot of work to do even if Telford was not hosting the meeting; the work was not just passed on to officers in Shropshire.

Cllr. Seymour was concerned that if the Health & Adult Care Scrutiny Committee had 6 meetings it would only leave 3 for the Customer, Community & Partnership committee which was less than the other committees and she asked Cllr. N England as the Chair for his view on this.

Cllr. England considered the list of items for the Committee and noted that the Committee had already had one meeting to look at the Bus Subsidy Policy and consultation on the Local Plan.

Cllr. Seymour asked if other Members felt that Flood & Water Management was a key issue. The Scrutiny Officer, S Jones, said that reports had been brought to the Board and other Scrutiny Committees in the past and Members had been assured that the Council was ahead of the game on this issue and no key concerns had been flagged up by scrutiny. It had been 2 years since the last update to the Board. Cllr. Fletcher said work had been done with parishes on this. Drawing on his previous experience as a past Chair of the Strategic Flood Board, Cllr. Bentley agreed that this was an area where Telford & Wrekin Council was leading the way nationally and felt that this issue could be de-prioritised. The Scrutiny Group Specialist suggested this could be moved to the second year of a 2 year work programme.

Cllr. Seymour noted that scrutiny of the Local Enterprise Partnership was in the Customer, Community & Partnership Scrutiny Committee work programme and asked about scrutiny powers. The Scrutiny Group Specialist explained there was a Marches Enterprise Joint Committee, which is a formal joint committee of the three local authority leaders, and decisions of the Joint Committee are subject to scrutiny by the three local authority scrutiny committees which can act individually to call-in decisions of the Joint Committee. This power had been exercised recently by Herefordshire.

Cllr. N England put forward a suggestion for the Customer, Community & Partnership Scrutiny Committee to review performance of the waste services contract, possibly with the Finance & Enterprise Scrutiny Committee to look at the costs.

The Chair suggested scrutiny of the Welfare Reforms could be done jointly with Finance & Enterprise Scrutiny Committee.

Cllr. Bentley said that it should be left to each Scrutiny Committee to decide what they wanted to do. He felt that 48 meetings a year was easily achievable and there should be flexibility for the Committees to decide between themselves how to use the unallocated 9 meetings.

Cllr. Burford agreed with the need to set meetings so that the work programme was not overloaded. If other meetings were needed they could be arranged as Member-led meetings. He asked other Scrutiny Chairs to make sure they stuck to the numbers agreed.

The Scrutiny Group Specialist summarised the allocations discussed so far as Scrutiny Management Board (3 plus 1 additional meeting if required 4), Children & Young People (30), Health & Adult Care and JHOSC (6), Finance & Enterprise (4), Customer, Community & Partnership (3). She added that no provision had been made for Call-in.

Cllr. Bentley remarked that the Council had diminished support for scrutiny over the last few years so that scrutiny had less of an impact. He suggested the Board could make a recommendation to Council to increase resources for scrutiny.

The Chair replied that resources did not always have to be officers and that members could do more. Cllr. Greenaway noted that she had been involved in a lot of scrutiny work which had not involved officers and Cllr. Bentley agreed that sometimes officer support was only needed to clarify legalities.

RESOLVED – that support for scrutiny meetings be allocated as follows:
Scrutiny Management Board (3 plus 1 additional meeting if required)
Children & Young People Scrutiny Committee (30)
Health & Adult Care and JHOSC Scrutiny Committee (6)
Finance & Enterprise Scrutiny Committee (4)
Customer, Community & Partnership Scrutiny Committee (3)

Cllr. Bentley gave his apologies for the remainder of the meeting and left the meeting.

SMB-06 SCRUTINY HANDBOOK

The Chair asked members to consider the proposed changes to the Scrutiny Handbook, circulated as Appendix B, to bring it up to date.

Members suggested a number of changes and corrections which would be made by the Scrutiny Team and the document re-circulated for approval. The following key points were discussed:

- Members considered a suggestion from Cllr. Seymour to reconsider the name of the Customer, Community & Partnership Scrutiny Committee. She felt the name was too long and suggested 'Housing & Communities' would pick up the

Committee's specific remit which members of the public would be able to identify with but was broad enough to encompass other areas of work. Cllr. England replied that the work the Committee did was more important than its name and the Chair considered that the use of "communities" in the title encompassed the housing element. Cllr England considered that over the years a number of Committees had long names and were generally referred to by acronyms.

- Cllr. Fletcher sought clarification on the process for changing the name of a committee and whether it would need to go to the Council's Constitution Committee to make a recommendation to Full Council. The Scrutiny Officer replied that as long as the minimum requirements set out in the Council's Constitution were met, the Scrutiny Management Board may make changes after consultation with the Scrutiny Assembly.
- Members agreed that the sections relating to the number and type of co-optee vacancies on each committee needed to be clarified and it was agreed that a summary table would be included in the Handbook.
- The Scrutiny Group Specialist sought views on whether the recruitment process on the Policy for Co-opting Scrutiny Members needed to be changed for the forthcoming review of co-optees. Co-optees had been contacted to make them aware of the review and the majority had expressed an interest in being reconsidered. The existing process was robust and included interviews by Chairs which would be time consuming and would need to be built in. The recruitment process would apply to all co-optees other than the statutory co-optees on the Children & Young People Scrutiny Committee and co-optees nominated by organisations with standing representation such as Healthwatch and the Senior Citizen's Forum on the Health & Adult Care Scrutiny Committee. Members agreed that the recruitment process would remain unchanged for the review and that confirming co-opted members of the JHOSC should be prioritised.
- There was a discussion about the proposed change to the time period for contacting co-optees about non-attendance from six months to 2 meetings in a row without apology. On balance Members agreed this was about right although some judgement would be needed so that attendance was linked to contribution as co-optees could make a valuable contribution and there may be genuine reasons for non-attendance. It was also suggested that the relevant Scrutiny Chair may contact the co-optee about non-attendance.
- The Scrutiny Group Specialist sought views on establishing a requirement for co-optees to have an email address as this was the main method of communication and would become increasingly important as the Council moved towards paperless meetings. Members agreed this was a reasonable requirement but so that no-one was excluded other email arrangements could be explored, for instance in the case of Town and Parish Council representatives, the relevant Clerk's email address could be used..

RESOLVED – that the changes to the Scrutiny Handbook agreed at the meeting be made by the Scrutiny Team and re-circulated to members for approval.

The meeting ended at 12.15pm

Chairman:

Date: