

BOROUGH OF TELFORD & WREKIN

Minutes of a meeting of the Borough of Telford & Wrekin held on Thursday, 30 September, 2009 at 6.30 p.m. at the Civic Offices, Telford, Shropshire

PRESENT:

Councillors I.T.W. Fletcher (Speaker), D.G. Allen, G. Ashcroft, D.W.D. Ashley, R.K. Austin, R. Aveley, S. Bentley, K.T. Blundell (Mayor), S.P. Burrell, E.J. Carter, R.G. Chaplin, E.A. Clare, J.A. Dixon, N.A. Dugmore, A.J. Eade (Leader), V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, R.E. Groom, Y.C. Hicks, P.A.E. Homer, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, J.M. Seymour, C.F. Smith, M.J. Smith, A.J. Stanton, E.M. Swift, K.L. Tomlinson, W.L. Tomlinson, V. Tonks, R.M. Tyler, D.R.W. White, A.G.P. Williams, H.J. Williams and D.G. Wright

34. PRAYERS

Prayers were said by the Reverend Peter Lawley, Vicar of St. George's & Priorslee. Following a request from Councillor K.L. Tomlinson, which was supported by Members and the Speaker, Reverend Lawley said a prayer for Councillor U.E. Sambrook. Councillor Sambrook was on leave of absence due to a serious illness.

35. MINUTES OF THE COUNCIL

RESOLVED – that the minutes of the meeting of the Borough Council held on 23 July, 2009 be confirmed and signed by the Speaker.

36. APOLOGIES FOR ABSENCE

Councillors G.J.L. Davies and U.E. Sambrook

37. DECLARATIONS OF INTEREST

Councillor L. Lomax declared a personal interest in agenda item 14 (b) – the motion on service provision at the Princess Royal Hospital.

38. ANNOUNCEMENTS

(a) Mayoral Engagements

The Mayor drew Members attention to her attendance at the opening of the Listen and Care Centre at Leegomery. This service offered support for people with mental health issues and had been awarded the prestigious Queen's award for volunteers in 2008. The Mayor also highlighted her

attendance at TCAT for the Cricket Federation for People with Disabilities cricket match as well as her attendance at the official opening of the 2009 Ironbridge World Heritage festival. Members noted the engagements undertaken by the Mayor or the Deputy Mayor between 29th July, 2009 and 27th September, 2009.

(b) Awards

- (i) The Mayor presented the award to the Enterprise HQ for being the most enterprising place in the region as part of Enterprising Britain, a nationwide competition run by Enterprise Insight on behalf of the Department of Business, Innovation and Skills. The award was accepted by Liz Wakeham-Jones, Sales & Marketing Manager, on behalf of Enterprise HQ.
- (ii) The Mayor presented Anne Winn, Customer Services Officer in Revenues & Benefits with the award for winning the 'Unsung Hero' category in the inaugural 2009 Call Centre Hero Awards organised by the Call Centre Clinic.
- (iii) The Mayor presented the 'Project of the Year' award won by the Telford International Railfreight Terminal as part of the Rail Freight Group Annual Awards. Kate Turner, Project Manager, accepted the Award on behalf of the Project Team.

39. REPORT OF LEADER

The Leader reported that contracts had now been exchanged with Asda Plc for the sale of the Civic offices site. He also highlighted the Council's joint working arrangements with the Southwater Event Group which would lead to the regeneration of the Southwater area. The project would include two hotels, major improvements to the conference centre and a refurbishment of the Telford Ice Rink.

40. 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 on 23 July, 2009 and noted the delegations granted to officers.

Councillor S.P. Burrell, Cabinet Member: Children & Young People, informed Members that Cabinet had agreed to the co-location of the Three Oaks and Stirchley Primary Schools on the site of a new Sports & Learning Community which would replace the Lord Silkin school. Councillor Burrell told Members that a scale model of the design for the new Abraham Darby Sports and Learning Community was available in the Council Chamber. A new Sports & Learning Community would also be developed on the site of the current Phoenix School.

41. **RECOMMENDATIONS FROM CABINET**

(i) **21 July, 2009 – 2009/10 Financial Performance**

Councillor A. Lawrence presented the report of the Head of Finance & Audit. Councillor Lawrence told Members that the report, received by Cabinet in July, showed overall revenue spending projected within approved budgets as well as providing an update on capital programme spending. The report also highlighted a number of virements, new capital allocations and slippage which required formal approval by Council

RESOLVED - that approval be given for the new capital allocations and slippage and the revenue and capital virements detailed in paragraph 5.1 of the attached report.

(ii) **15 September, 2009 – Planning of School Places: Borough Towns Initiative – Sports & Learning Community**

Councillor S.P. Burrell presented the joint report of the Head of Property & Design, the Head of Commissioning for Leisure & Culture, and the Head of BSF, Resources & Social Regeneration.

RESOLVED – that approval be granted of a total capital budget of £1.66m, being £1.16m co-location grant funding allocated from the DCSF and the balance from the Lawn Tennis Association in respect of the tennis facility.

(iii) **15 September, 2009 – North Woodside Phase 1 Capital Approval**

Councillor E.J. Carter presented the report of the Corporate Director: Environment & Regeneration.

RESOLVED – that Council supported a capital approval for £6.479m in respect of North Woodside Phase 1 and, in particular, agreed to receive a contribution of £4.25m from the Homes and Communities Agency (HCA) as part of this investment package.

42. **ANNUAL SCRUTINY REPORT 2008/09**

Councillor D.R.W. White, Chairman of the Scrutiny Leadership Board presented the Annual Scrutiny report for 2008/09.

RESOLVED – that the Scrutiny Annual Report be noted.

43. **ANNUAL AUDIT REPORT 2008/09**

Councillor D. Wright, Chairman of the Audit Committee, presented the Annual Audit report for 2008/09.

RESOLVED – that members of the Council noted the contents of the Annual Report 2008/09.

44. RECOMMENDATIONS FROM BOARDS, COMMITTEES & COMMISSIONS

- (a) The Speaker, as Chairman of the Council Constitution Committee, presented the minutes of the meeting of Committee held on 3 September, 2009, which contained a number of recommendations to Council.

RESOLVED:

- (a) That the proposed Scheme for Public Speaking at Plans Board, as set out in Annex A of the report, be further considered by the Council Constitution Committee and be brought back to a future meeting of the Council;
- (b) That the proposed Scheme for Dealing with Petitions, as set out in Annex C of the report, be further considered by the Council Constitution Committee and be brought back to a future meeting of the ;
- (c) The changes to Article 12 – Officers of the Constitution, as set out in Annex F of the report be approved;
- (d) The changes to Part 4 (Rules of Procedure), Section 6 (Financial Regulations), sub-section 2 (Responsibilities) and sub-section 9 (Internal Audit), as set out in Annexes G1 & 2 be approved;
- (e) The inclusion within Part 4 (Rules of Procedure), Section 5 (Overview and Scrutiny Procedure Rules) of a Protocol for Councillor Call for Action, as set out in Annex H, be approved;
- (f) The changes to the Terms of Reference of the Audit Committee, as set out in Annex I of the report, and of the Scrutiny Leadership Board, as set out in Annex J of the report, be approved;
- (g) The addition to the Functions, Powers and Duties of the Plans Board, the Licensing Committee, the Standards Committee, the Personnel Board, the Scrutiny Leadership Board and the Council Constitution Committee of a duty to annually review their effectiveness and their Terms of Reference be approved;

- (h) **The noting of minor amendments, as set out in Annex K of the report, made to the Constitution by the Head of Legal Services under delegated authority be approved;**
 - (i) **Approval be granted for the Head of Legal Services to review the current 100g(2) List of Delegations granted to Officers and for the inclusion of the words “*As a result of the significant re-structure taking place, the delegations rest with the Chief Executive and the responsible Corporate Director and Head of Service rather than as necessarily identified in the Scheme*” in the 100g(2) List to cover the restructuring of the Council until such time as the review had been completed;**
 - (j) **With respect to Rule 10 – Questions by Members, paragraph 10.3(d) be amended to read ‘within 7 working days’ and paragraph 10.6(c) be amended with the addition of the words ‘within 7 working days’.**
- (b) Councillor A. Stanton presented the minutes of the meeting of the Standards Committee held on 17 September, 2009 which contained a recommendation to Council in respect of the draft Gifts and Hospitality Guidance.

RESOLVED - that the updated Gifts and Hospitality Guidance attached at Annex 1 of the report, be adopted.

45. MINUTES OF BOARDS AND COMMITTEES

Council noted the resolved minutes of the Plans Board for 22 July, 12 August and 2 September, 2009, of the Licensing Committee of 24, 27 and 30 July, 3 August and 1 September, 2009, of the Scrutiny Leadership Board for 9 July, 2009, and the Audit Committee of 28 July, 2009.

46. QUESTIONS

No questions had been submitted.

47. NOTICES OF MOTION

In accordance with Council Procedure Rule 2.2(i) the Speaker agreed, at the request of Members, to vary the order of items on the agenda paper. Because of its importance, the motion on the Princess Royal Hospital was dealt with first.

- (a) Councillor C.F. Smith, in accordance with Council Procedure Rule 11, moved the following Motion:

'When it is proposed to sell off land and property, the Ward Members will be informed and fully consulted before the land/property is put up for sale, or offered conditionally to a prospective purchaser.'

The Motion was seconded by Councillor R.E. Groom.

RESOLVED – that the Motion be approved.

- (b) Councillor A.J. Eade moved, in accordance with Council Procedure Rule 11, and with the support of all the Group Leaders, the following Motion:

'I wish to bring the attention of Members to the serious threats that are now being proposed to services at Princess Royal Hospital. The preferred option being put forward by NHS bodies will result in the main A&E plus acute surgery, paediatrics, obstetrics and neonate services being located in Shrewsbury. This will mean that local people will be deprived of access in Telford to these essential health services. It is imperative that the Council fights the removal and down-grading of services from PRH and protects the health and well-being of our population.

Members are requested to indicate their full backing and commitment to actions and a campaign to protect Princess Royal Hospital as the corner-stone of acute health services for this area.'

The Motion was seconded by Councillor R.K. Austin.

Councillor Eade, proposing the motion, told Members that any short term decisions to move services away from the Princess Royal Hospital would inevitably lead to the loss of hospital services in the long term. The proposal to build one new hospital between Telford and Shrewsbury was unlikely to happen due to the pressure on public finances. Both Telford and Shrewsbury needed and deserved full accident and emergency services. He urged Members to support the fight to protect hospital services in Telford.

Councillors G.M. Green and V. Tonks both spoke strongly in support of protecting services at the Princess Royal Hospital. A number of Members, speaking in support of the motion, pointed to the healthcare needs of Telford's growing population. Without exception, Members were opposed to any downgrading of services at the Princess Royal Hospital. Councillor R.K. Austin, seconding the motion, agreed wholeheartedly that everything should be done to protect services. Councillor A.J. Eade, summing up, thanked Members for their unanimous support.

RESOLVED – that the Motion be approved.

- (c) Councillor A. Stanton moved, in accordance with Council Procedure Rule 11, the following Motion:

'This Council recognises the positive comments from the community regarding the introduction of the current flag policy by this Council in September 2007. Due to this success this Council instructs that the current policy's jurisdiction is extended and applied to all civic sites and buildings within the Borough of Telford and Wrekin.'

The Motion was seconded by Councillor J.M. Seymour

RESOLVED – that the Motion be approved.

The meeting ended at 9.02 p.m.

Speaker:

Date:

BOROUGH OF TELFORD & WREKIN

Minutes of an Extraordinary Meeting of the Borough of Telford & Wrekin held on Thursday 29 October 2009 at 6.30 pm at Civic Offices, Telford

PRESENT:

Councillors I.T.W. Fletcher (Speaker), D.G. Allen, G. Ashcroft, D.W.D Ashley (Deputy Speaker), R. Aveley, R.K. Austin, S. Bentley, K.T. Blundell, S.P. Burrell, E.J. Carter, R.G. Chaplin, E.A. Clare, N.A. Dugmore, A.J. Eade, V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, Y.C. Hicks, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, C.N. Mason, A.D. McClements, A.A. Meredith, R.A. Overton, F.R. Picken, H. Rhodes, J.M. Seymour, C.F. Smith, M.J. Smith, E.M. Swift, V. Tonks, D.R.W. White, H.J. Williams and D.G. Wright.

48. APOLOGIES FOR ABSENCE

Councillors J.A. Dixon, R.E. Groom, P.A.E. Homer, L. Lomax, A.A. Mackenzie, C.R.P. Mollett, K.S. Sahota, U.E. Sambrook, A.J. Stanton, K.L. Tomlinson, W.L. Tomlinson, R.M. Tyler and A.G.P. Williams

49. DECLARATIONS OF INTEREST

None

50. JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE – CO-OPTEE VOTING RIGHTS

Councillor D.R.W. White, Chairman of the Scrutiny Leadership Board, presented the report of the Head of Finance & Audit. The report requested approval for a scheme, which was attached as an appendix to the report, for granting voting rights to the co-opted members of the Joint Health Scrutiny Committee. The report also requested the immediate amendment of the Council's Constitution to reflect the scheme.

RESOLVED:

- (a) That the scheme for the granting of voting rights to the co-opted members of the Joint Health Scrutiny Committee be approved;**
- (b) That Part 4 (Rules of Procedure), Section 5 (Overview & Scrutiny Procedure Rules) be amended with immediate effect to provide that the Joint Health Scrutiny co-optees were allowed voting rights in accordance with the scheme.**

51. NOTICE OF MOTION

Councillor A.J. Eade moved, in accordance with Council Procedure Rule 11, and with the support of all the Group Leaders, the following Motion:

"This Council expresses its outrage at the continuing threat to services at the Princess Royal Hospital. The Council notes that current proposals would lead to immediate removal of vascular services from PRH and does nothing to lift the threat over other services including acute surgery, paediatrics and accident and emergency services. These are only guaranteed to remain at the PRH until 2013. In order to re-enforce their continuing commitment to the Princess Royal Hospital this Council will continue to do everything within its power to protect health services that are so vital to the health and well-being of our community".

The Motion was seconded by Councillor R.K. Austin.

Councillor Eade outlined the campaign to protect health services for the Borough and surrounding areas. Members were told that any reduction in health provision would have long term implications for investment in the area. He disputed the assertion that cardio-vascular services needed to be on one site for safety reasons. The removal of this service meant that other services would eventually be taken away. The battle to retain services would be a difficult one but the Council had a duty to take the lead on this issue. In closing, he thanked Group Leaders and Members for their united support against any moves to downgrade hospital services in Telford.

Councillor Austin, welcoming Members' cross party support, believed that full services should be retained to meet the needs of the Borough's growing population. He paid tribute to the work of Dr. Andy Inglis, who had provided survey evidence to support the retention of services. In closing, Councillor Austin told Members that all services should be retained at the Princess Royal Hospital. Councillor G.M. Green supported the comments from Councillors Eade and Austin. She called on Members to continue their support for the campaign to protect services. Councillor V. Tonks paid tribute to the people who had originally worked so hard to establish the Princess Royal Hospital. He felt that the proposals to downgrade services were an insult to those people and the local community. The united support of all Members would be needed to ensure success in the retention of all hospital services for Telford.

At this point the Rt.Hon., David Wright, Member of Parliament for the Telford Constituency, was invited to address the meeting by the Speaker. He thanked Members for the invitation to speak and congratulated them on the work done to protect health services in Telford. The review was an insult to the people of Telford, the fight to protect services would continue over the coming years. If there were to be a single hospital site for the area then it must be at Telford. He told Members that he would work with anyone, irrespective of party affiliation, in the fight to protect services. Councillor E.A. Clare told Members that they would all know or have visited someone who would be thankful for the provision of the Princess Royal Hospital. The time and costs of travel to Shrewsbury would cause hardship for those visiting the sick. She did not want Shrewsbury to lose services but told Members that they must stand up for the people they represent. Councillor J.M. Seymour also paid tribute to the work of Dr. Andy Inglis. The removal of cardio-vascular services from Telford would inevitably lead to the further downgrading of services. Any consultation on a future single hospital site would be fatally undermined by the current proposal to move cardio-vascular services away from Telford. Councillor G. Ashcroft was astonished by plans to downgrade hospital services. He pointed to the town's growth which would be

damaged by the loss of hospital facilities. The campaign should continue to retain a viable hospital in the Borough.

In closing the debate, Councillor Eade told Members that both the area's hospitals were excellent and that they should be retained. He had serious doubts about the proposals to re-locate to a new single hospital site as public finances were currently stretched. What happened in the short term future would dictate the fate of the Borough's hospital services for the future. He urged Members to continue their efforts to retain the town's hospital services. Following a vote, the motion was agreed unanimously.

RESOLVED – that the motion be approved.

The meeting ended at 7.30 pm

Speaker.....

Date

**MAYORAL ENGAGEMENTS
23rd SEPTEMBER – 18th NOVEMBER 2009**

September	23rd	M	Attended The Rest Room annual party, the Rest Room, Church Street, Madeley
	26th	M	Attended the official opening of the 2009 Ironbridge Gorge World Heritage Festival, The Square, Ironbridge, Telford
	27th	DM	Attended the RAFA Wrekin (Wellington) Branch annual Battle of Britain Service, St Georges Parish Council, St Georges, Telford
	28th	M	Attended the Telford & Wrekin Council Retirement Association lunch at the Swan Hotel, Wellington
	30th	M	Attended Telford & Wrekin Council Garden & Allotment Presentation at The Methodist Church, New Street, Wellington
October	2nd	M	Visited the Severn Hospice at Apley, Wellington
	3rd	M	Attended the Wellington Literary Festival Civic Reception and Launch of the Festival at Wrekin College, Wellington
	4th	DM	Attended the Wem Town Council Civic Service at St Peter and St Pauls Parish Church, High Street, Wem
	6th	M	Attended the Grand Opening of Blists Hill Victorian Town Development
	9th	M	Unveiled the Art Displays in Telford Town Centre
	10th	M	Attended the Telford Ice Rink 25 th Anniversary Celebrations and cut the Celebration Cake at Telford Ice Rink
	12th	M	Unveiled the Foundation Stone at the new Primary School in Lightmoor, Telford

- 14th** **M** Attended the Carers Contact Centre 10th Anniversary Celebration at Enginuity, Ironbridge
- M** Opened the Taj Mahal Restaurant, Bridge Road, Wellington
- 15th** **M** Attended the South Staffordshire and Shropshire Healthcare NHS Foundation Trust Staff Awards Ceremony at Stafford County Showground
- 16th** **M** Attended the Question Time Session for Local Democracy Week at Civic Offices
- 17th** **M** Attended the RBL Curry Night at RBL, Station Road, Dawley
- 21st** **M** Attended the Citizenship Ceremonies at Civic Offices, Telford
- 23rd** **M** Attended the Bible Presentation at Abraham Darby Academy
- 24th** **M** Attended the judging and Winners Presentation of the Photography Competition at Lawley Development, Telford
- M** Attended the Newport Town Council Charity Jazz Evening, Newport, Telford
- 27th** **M** Attended the SOS PRH Meeting at the Park Inn, Telford
- 28th** **M** Attended the Telford Apprentice Event at The Place, Oakengates
- M** Attended the launch of the new Impact Alcohol and Addiction Service Project, Church Street, Wellington
- November** **2nd** **M** Attended the Reception and Service of Welcome for the Bishop of Shrewsbury at the Lord Hill, Shrewsbury and Shrewsbury Abbey

- 7th** **M** Attended the opening of St Georges Parish Church Autumn Fayre, St Georges
- M** Attended the Bridgnorth Twinning Association Dinner at Madeley Court Hotel, Madeley
- 8th** **M** Laid a Wreath at the Service of Remembrance at St Peter's Church, Wrockwardine
- DM** Laid a wreath at the Service of Remembrance at All Saints Church, Wellington
- M** Attended the annual Ceremony of Light at The Place, Oakengates
- 10th** **M** Attended the House of Fraser Beauty Event, House of Fraser, Telford
- 11th** **M** Attended the Peoples Millions Bid at Apley Wood Primary School
- 12th** **M** Attended the Shropshire National Adoption Week at the Telford Shopping Centre
- M** Attended the Hot Shots Award Ceremony 209 at The Place, Oakengates
- 13th** **M** Attended the Weekly Awards Ceremony and a tour of the School at John Randall Primary School, Madeley, Telford
- M** Attended the Garden and Hanging Basket Planting at Holmer Lake Primary School, Brookside
- M** Attended the performance of Snow White by the Russian Ice Stars at Telford Ice Rink
- 14th** **M** Attended the Donnington Bonfire and Fireworks at Donnington, Telford

TELFORD & WREKIN COUNCIL
COUNCIL – 26 NOVEMBER, 2009
REPORT OF CABINET – FOR INFORMATION ONLY
MATTERS DETERMINED BY THE CABINET

1.0 INTRODUCTION

This report provides sets out those matters determined by the Cabinet at its meetings on 13 & 27 October and 10 November, 2009.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

2.1 13 October, 2009

- 2.1.1 Revision of Local Development Scheme
- 2.1.2 Joint Strategic Needs Assessment 2009
- 2.2.3 Future Delivery of Economic Development and Regeneration Services (exempt)
- 2.2.4 Recommendations from Value for Money Scrutiny Group to Cabinet – Transport Service Review

2.2 27 October, 2009

- 2.2.1 Service & Financial Planning 2010/11 to 2012/13
- 2.2.2 Financial & Performance Monitoring 2009/10 – half year
 - (a) Performance Management
 - (b) Financial Monitoring
- 2.2.3 Planning for School Places: Stirchley Primary and Three Oaks Primary School Trust Status (deferred)
- 2.2.4 Coroner's Service for Telford & Wrekin
- 2.2.5 Edgmond Conservation Area Management Plan
- 2.2.6 Facilities Management – Service Efficiency Review (exempt)

2.3 10 November, 2009

- 2.3.1 Scrutiny Review – Procurement
- 2.3.2 Complaints Policy & Procedure for Adult Social Services
- 2.3.3 Amendments to the Scheme of Delegation
- 2.3.4 Employee Suggestion Scheme
- 2.3.5 Partnership Development with the Ironbridge Gorge Museum Trust (exempt)

4.0 DELEGATION OF POWERS GRANTED BY THE CABINET

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Future Delivery of Economic Development and Regeneration Services	Corporate Director: Environment & Regeneration, in consultation with the Cabinet Member for Regeneration,	To implement those other arrangements set out in Section 7 of the report as soon as practicable, and no later than 31 March 2010.
Coroners' Services for Telford & Wrekin	Head of Legal Services	Authorised, on behalf of the authority, to enter into an agreement for a shared Coroners service with Shropshire Council.
Employee Suggestion Scheme	Head of Policy, Performance & Partnership, following consultation with the Cabinet Member: Policy, Performance & Partnership,	(Following agreement of the next steps in Section 5) to finalise details of the scheme.
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	

TELFORD & WREKIN COUNCIL

**ADDING HOUSEHOLD BATTERIES AND LOW ENERGY LIGHT BULBS
TO THE EXISTING KERBSIDE SERVICE**

CABINET: 24th NOVEMBER, 2009

REPORT OF THE HEAD OF PLANNING & TRANSPORT

1. PURPOSE

- 1.1 To seek approval to add household batteries and low energy light bulbs to the existing kerbside recycling service in line with the proposals contained within this report.

2. RECOMMENDATION

- 2.1 That Members approve the addition of household batteries and low energy light bulbs to the existing kerbside recycling service.**

3. PREVIOUS MINUTES

- 3.1 Council 11 December 2008 – Minute No. 59
3.2 Council 29 January 2009 – Minute No. 72

4. INFORMATION

CHANGES TO LEGISLATION – TAKE BACK SCHEME

- 4.1 The Waste Batteries and Accumulators Regulations 2009 came into force on 5th May 2009, with Section 4 portable batteries taking effect from 1st February 2010.
- 4.2 Manufacturers and importers of batteries will have to demonstrate that they are recycling a proportion of the amount of new batteries they place on the market each year. They will be able to meet their responsibilities by recycling themselves or funding compliance schemes operated by third parties which carry out the recycling on their behalf.

- 4.3 This means that the costs of recycling a proportion of household batteries will be absorbed by the manufacturers and importers of household batteries. This is already the case for low energy light bulbs.
- 4.4 An existing service is in place for the free collection and recycling of WEEE (Waste Electrical and Electronic Equipment) at the Community Recycling Centres through the compliance scheme run by the European Recycling Platform (ERP). It is proposed to amend this existing contract with ERP to include household batteries. Low energy light bulbs are already included within this contract as they are classified as WEEE.

ADDITION TO EXISTING KERBSIDE COLLECTION

- 4.5 It is proposed that household batteries and low energy light bulbs should be added to the existing dry recyclable kerbside collection. Waste and Resource Action Programme (WRAP) trials confirm that such kerbside collections are likely to generate the highest level of participation.
- 4.6 It is proposed that the household batteries and low energy light bulbs will be taken to the current bulking station by TWS along with the existing materials for recycling, and transferred daily to the Halesfield recycling centre for storage until collection by our current reprocessor.
- 4.7 The collection of household batteries from domestic properties can only be undertaken legally if the batteries, which are hazardous waste, are kept separate from the rest of the waste being carried until the vehicle is unloaded. It is therefore proposed that underslung cages be fitted to the kerbside collection vehicles for this purpose.

RECEPTACLES FOR THE COLLECTION OF BATTERIES

- 4.8 Household batteries and low energy light bulbs will be gathered in separate bags labelled with the WRAP symbols by the householder and then placed into their existing red box for recycling.

ESTIMATED TONNAGES

- 4.9 Based on WRAP trials it is estimated the Council would collect around 536,000 batteries per year from the kerbside which is equivalent to approximately 13.4 tonnes per year. As no trials have taken place for low energy light bulbs a tonnage calculation is not possible at this stage.

START DATE

- 4.10 It is proposed that changes take effect from March 2010 when the Government regulations are in force and kerbside vehicles are being replaced.

5. BENEFITS AND RISKS

BENEFITS

- 5.1 The potential benefits include:
- All household batteries can be safely and easily recycled;
 - Recycling household batteries and low energy light bulbs will help to protect the environment by reducing the amount going directly to landfill;
 - Recycled household batteries can be used to make new batteries, products or materials;
 - According to WRAP nine out of ten people would recycle their batteries if there were a kerbside battery collection scheme in their area;
 - The average household uses 21 batteries a year, all of which could be recycled;
 - From September 2009 incandescent light bulbs are being phased out following the EU Directive on Energy Using Products. Low energy light bulbs will be the most widespread alternative, therefore it is important that there are opportunities for recycling.

RISKS

- 5.2 The contractor has indicated that his staff will not require further training to handle these hazardous materials.

6. LEGAL IMPLICATIONS

- 6.1 The Council must ensure that waste is collected in accordance with statutory provisions and therefore ensure that waste batteries (which are classed as hazardous waste) are collected separately from normal household waste. The Council has a contract for the collection of recyclable materials from the kerbside and household batteries and low energy light bulbs will be added to the existing contract by agreement of the parties.
- 6.2 The existing WEEE contract is due to be retendered from June 2010, at which time the collection of batteries will be included in the specification. The existing contract will be amended by agreement of the parties for the period from March 2010 to June 2010.

7. FINANCIAL IMPLICATIONS

7.1 Cost of proposals:

Description	Nature of Cost	Cost
Alterations to kerbside vehicles – addition of under-slung cages to 8 vehicles* ¹	One off	£4,000-6,000
Recycling bags for each resident (2 per household until ERP contract is re-tendered)	One off	£5,000
Total one off costs - met from existing resources		£9,000-£11,000
Transport from bulking station to Halesfield Recycling Centre	Ongoing	£5,500
Landfill Savings based on 13.4 tonnes extrapolated from WRAP research * ²	Ongoing	(£1,000) circa and increasing
Recycling savings via producer responsibility (2008/2009 actual costs)	Ongoing	(£5,000)
Annual revenue impact		(£500) saving

*¹ A range of costs is provided since retro fitting to the existing fleet would be higher than fitting to new vehicles when they are built.

*² This annual saving will increase each year as landfill costs (gate fee + tax) increase and could reasonably be expected to cover any increases in the cost of transport to the Halesfield Recycling Centre.

- 7.2 There will be no additional costs for kerbside collection with TWS as this is a partnership arrangement. When the WEEE contract is re-tendered in June 2010, the successful contractor will have to provide collection bags to each household. Therefore, there would be no further cost for additional/replacement bags.
- 7.3 The £9,000 -£11,000 one-off costs of this project would be met from existing resources and the net impact on revenue, assuming 13.4 tonnes is redirected from landfill, would be £500 per annum saving.
- 7.4 This arrangement would bring the process of recycling batteries in line with low energy light bulbs and WEEE, which is already collected from the CRCs and the cost borne by the manufacturers' compliance schemes.

8. WARD IMPLICATIONS

- 8.1 The improvements to the service will benefit all wards as access to household battery recycling would be made available to all residents.

9. EQUALITIES INFORMATION

- 9.1 A full equalities impact assessment has been undertaken in respect of the Recycling Services. It has identified that some services only provided at either Community Recycling Centre sites or at bring banks exclude those who do not have access to transport or who have mobility issues. The service change proposed in this report would provide those in the above groups with access to a household battery recycling service.

Report prepared by Molly Hooper, Waste Initiatives Officer, on 01952 384216

Useful Links to other documents

The Waste Batteries & Accumulators Regulations 2009 – Government Guidance Notes

<http://www.berr.gov.uk/files/file51268.pdf>

The Hazardous Waste Regulations (England and Wales) 2005

<http://www.opsi.gov.uk/si/si2005/20050894.htm>

The Hazardous Waste Regulations (England and Wales) (Amendment) 2009

http://www.opsi.gov.uk/si/si2009/uksi_20090507_en_1

Household Battery Collection Trials April 2005 – March 2008

http://www.wrap.org.uk/downloads/Batteries_report_-_final.5f6bccd3.6153.pdf

TELFORD & WREKIN COUNCIL

**LICENSING COMMITTEE – 18TH NOVEMBER 2009
COUNCIL – 26TH NOVEMBER 2009**

REVIEW OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003.

REPORT OF THE: BUSINESS MANAGER – PUBLIC PROTECTION, ADULTS & COMMUNITY WELL BEING

1. Purpose

- 1.1 Following consultation, to present for information a revised Statement of Licensing Policy for the Borough of Telford & Wrekin under the Licensing Act 2003.

2. Recommendations

- 2.1 That Council is recommended to approve the revised Statement of Licensing Policy for the Licensing Act 2003 for the Borough of Telford & Wrekin.

3. Summary

- 3.1 The Licensing Act 2003 requires the Licensing Authority to review, consult, determine and publish a Statement of Licensing Policy every three years detailing how it will exercise its licensing functions under the 2003 Act.
- 3.2 The first Statement of Licensing Policy issued by this Licensing Authority came into effect on 7th January 2005. The first statutory review of licence resulted in the approval of the second Statement of Licensing Policy which came into effect from 7th January 2008 after approval of full Council on 29th November 2007. The revised Statement of Licensing Policy, which is the subject of this Report, will need to be approved and republished to take effect from January 2010.

4. Previous Minutes

- 4.1 Minute 49. Full Council Meeting. 23rd November 2004.

5. Information

5.1 Background

- 5.1.1 The Licensing Act 2003 transferred responsibility for issuing permissions in respect of licensed premises from the Courts to Local Authorities in the guise of Licensing Authorities. At the time of drafting this Report and since the First Appointed Day on 7th February 2005, the Licensing Authority for the Borough of Telford & Wrekin has issued 599 premises licences and 1074 personal licences.
- 5.1.2 A particular feature of the legislation is that Licensing Authorities are required under s.5 of the 2003 Act to review, consult, determine and publish their Statement of Licensing Policy every three years. The first Statement of Licensing Policy issued by this Licensing Authority was approved by Full Council on 23rd November 2004 and took effect on 7th January 2005. This was then reviewed and the last version took effect on in January 2008. A copy of this Statement of Licensing Policy is attached at **Appendix A** for reference.
- 5.1.3 To assist Licensing Authorities in the drafting of a revised Statement of Licensing Policy, the Department for Media, Culture and Sport (DCMS) has issued Guidance under s.182 Licensing Act 2003. The most recent version of the guidance has been followed when reviewing the policy document.
- 5.1.4 There were two consultations to this policy. The first commenced on 14th November 2008 and ran for 12 weeks. Conscientious consideration was given to all relevant responses (detailed at **Appendix B**), as far as was possible within the remit of the Licensing Act 2003. The responses to the first consultation shaped the revised document which went out to consultation from 25th June 2009 to 13th October 2009. The responses were combined with legal interpretation, case law and information from staff who have been working in the Licensing Service, since the implementation of the Licensing Act 2003.
- 5.1.5 Sections were added to the policy on busking, the licensing of public spaces, lotteries, tombola etc, which are the subject of frequent queries to the Licensing Service. It is anticipated that this will reduce the administrative burden on the authority of advising over the telephone on such queries, and allow officers to devote more time to work that will add to more customer value focussed activities. The policy has been revised to ensure the document is more user-friendly for applicants, officers, responsible authorities and the public.
- 5.1.6 A benchmarking exercise was carried out with members of the family group of comparable geographic and economic councils prior to the formulation of this amended policy. The initial consultation was brought about at the request of the Regulation and Resilience Manager who identified a review necessary on the following grounds:

- a) It failed to take account of the Council's new Alcohol Harm Reduction Strategy as agreed by members. This point has now been incorporated into the new policy at page 9.
- b) It failed to make reference to other possible alcohol control measures such as 'Alcohol Free Zones' and 'Alcohol Disorder Zones'.

Alcohol Free Zones (or Designated Public Places) are not a matter for licensing and are delegated to other local authority officers under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 that implement **Section 13 of the Criminal Justice and Police Act 2001**.

Alcohol Disorder Zones are also not a matter for licensing and are delegated to other local authority officers under **The Local Authorities (Alcohol Disorder Zones) Regulations 2008** which implement **Chapter 2 of Part 1 of the Violent Crime Reduction Act 2006**.

It would be misleading to detail these measures in this policy as these are not addressed by the Licensing Act 2003. However reference to other powers under additional legislation and reference to the Safer and Stronger Communities Partnership are detailed at page 8 of the revised policy.

- c) That the section on integrating strategies should take a more holistic approach to linking all of the Equality strand relating to Age, Gender, Disability, Sexual orientation, and religion (as well as to Race).

The section has been amended and is detailed at pages 10 and 11 of the revised policy.

- d) Integration of the development of the Night Time Economy into in the Policy.

This has been amended and is detailed at page 6 and 8 of the revised policy.

- e) The statement that the Council will not impose conditions that 'restrict lawful competition' should be reviewed in relation to certain lawful yet ill considered practices.

This section remains in the policy as it is in accordance with the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act at 10.38. However, it has been amended to advise that the statement is made in accordance with this guidance.

- f) The development of the Council's own set of 'pick and mix' licence conditions to reflect the individual nature of the borough's economy is to be encouraged.

This has not been implemented as the Act and the DCMS guidance (see above) is clear that a Licensing Authority can only impose

conditions on a licence when its discretion has been engaged further to the receipt of relevant representations and that it has been considered necessary to promote one or more of the licensing objective, at a hearing of a Licensing Sub-Committee.

However, the pool of conditions (Annex D-H) provided by the DCMS in their guidance, relating to the four licensing objectives, have been replicated at the end of the Statement of Licensing Policy, in an attempt to offer guidance. These are also replicated in premises licence application and variation packs. It is recognised that this is not an exhaustive list and could be used where necessary and appropriate to the individual circumstances of a licensed premises. It is also noted that they should not be applied universally and treated as standard conditions irrespective of circumstances.

- 5.1.7 Prior to the commencement of the second consultation, mindful of the DCMS Guidance issued under s.182 Licensing Act 2003, the policy was amended significantly. All amendments are highlighted in blue on the revised policy document at **Appendix C**.
- 5.1.8 Section 5 Licensing Act 2003 requires the Licensing Authority to consult with the Police and Fire Authority for the district together with persons that the Licensing Authority considers to be representative of holders of existing licences, registered clubs and those who represent 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 inviting representations. The revised Statement of Licensing Policy has also been made available at Council Offices and local libraries and a copy has also been posted on the Council's website similarly inviting representations. A full list of those consulted as part of the review of the Statement of Licensing Policy is listed in the appendices of the revised policy document, and the letter to consultees and response form is attached to this report at **Appendix E**.
- 5.1.9 **The revised Statement of Licensing Policy has taken account of representations made by the consultees.** The first consultation resulted in 28 responses from a mix of premises licence holders, responsible authorities, town and parish councils and individual residents of Telford & Wrekin. The comments were given full consideration and shaped the revised policy that went to second consultation.
- 5.1.10 Further to the second consultation the comments and responses were collated and considered and the relevant document is attached at **Appendix D**. Any amendments that could be made within the constraints of the Licensing Act 2003 have been duly made and are highlighted in red on the revised document (**Appendix C**).
- 5.1.11 The revised Statement of Licensing Policy for consideration and approval is attached to this Report at **Appendix C**. The Statement of Licensing Policy also includes the model pool of conditions to be

attached to licences taken from the DCMS Guidance issued under s.182 Licensing Act 2003 (Annexes D-H).

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 concerned with liquor licensing and regulated entertainment were approached or had the opportunity to make their views known in relation to the revised Statement.

5.2.1 Equalities Impact Assessments have been carried out both pre and post consultation. Monitoring forms have been completed and collated so that we are aware of the customer equality base profile and can prove that no one group is disproportionately affected by the policy

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.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this Report.

5.4 Legal Comment

5.4.1 Section 5 (1) of the Licensing Act 2003 requires a licensing authority for each 3 year period to determine its statement of licensing policy with respect to the exercise of its licensing functions and to publish a statement of that policy before the beginning of that period.

5.4.2 Section 5 (4) of the Licensing Act 2003 states that during each 3 year period that a licensing authority must keep its policy under review and make such revisions to it as it considers appropriate. Where revisions are made the licensing authority must publish the revised licensing statement.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the shared Vision of the Council and Telford & Wrekin Partnership for the community we serve which is that of a successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin. The Statement of Licensing Policy aims to encourage and assist licence holders in delivering their businesses without it being detrimental to the people who live in our community and therefore has links to the following community priorities.

- Maintaining a High Quality, Attractive and Sustainable Environment
- Giving Children & Young People the Best Possible Start in their lives

- Strengthening the Local Economy & the Skills of Local People
- Promoting Healthy Communities and Improving the Quality of Life of Vulnerable and Older People
- Creating a Safe, Strong and Cohesive Communities
- An Efficient, Effective and Customer-Focused Council that delivers Value-For-Money for the Community
- It links to transforming Telford & Wrekin through the development of leisure and cultural facilities and the revitalising of the Borough's towns.

5.6 Financial Comment

5.6.1 There are no financial implications arising from the revised policy. It may lead to a reduction in time spent by officers in answering telephone queries and this will be utilised in other licensing work. The revisions to the policy do not impact on the level of fee income generated.

5.7 Risks and Opportunities

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 is a failure to publish the Statement of Licensing Policy and in a form that is too prescriptive or significantly deviates from Guidance issued under s.182 Licensing Act 2003 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 Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implication

6.1 Borough Wide Implications

7. Background Papers

7.1 Licensing Act 2003

7.2 DCMS. Guidance issued under s.182 Licensing Act 2003.

Report prepared by: the Licensing Service – Darby House. Tel: 01952 383267 or email licensing@telford.gov.uk

Appendices Contents	
Appendix A	Copy of the current Statement of Licensing Policy that was approved by full Council on 29 th November 2007 and came into force on 7 th January 2008.
Appendix B	Consideration of responses table relating to the first consultation (Nov 08 – Feb 09)
Appendix C	Revised version of the Statement of Licensing Policy incorporating the responses from both consultations.
Appendix D	Consideration of responses table relating to the second consultation (Jun 09 – Sept 09)
Appendix E	List of consultees and copies of letter/Proforma and monitoring form.

Appendix A



Telford & Wrekin

C O U N C I L

Statement of Licensing Policy
January 2008

If you would like this information in alternative formats, such as large print, Braille or audio tape, please contact 01952 382122

If you would like free help to understand this document in your own language, please phone Telford & Wrekin Council on 01952 382122

Chinese

如果你想利用我們的免費中文協助來幫助你明白這份資訊，請打電話 01952 382121 與泰爾福&瑞慶區政府聯絡。

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਜਾਣਕਾਰੀ ਜਾਂ ਪਰਚੇ ਨੂੰ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਸਮਝਣ ਵਾਸਤੇ, ਟੈਲਫੋਰਡ ਐਂਡ ਰੀਕਿਨ ਕਾਊਂਸਿਲ ਦੀ ਮੁਫਤ ਸੇਵਾ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਉਹਨਾਂ ਨੂੰ 01952 382121 ਉੱਤੇ ਫੋਨ ਕਰੋ।

Urdu

اگر آپ کو اس دستاویز میں دی گئی معلومات کو اپنی زبان میں سمجھنے کیلئے کسی بھی قسم کی مدد کی ضرورت ہے تو برائے مہربانی ٹیلیفون ڈائریکٹریکٹ کو 01952 382121 پر فون کریں۔

Introduction

Introduction of the Licensing Act 2003 in 2005 heralded a real change in the law relating to alcohol sales, public entertainment and late night refreshment. A significant part of this change was that Telford & Wrekin Council assumed responsibility for the licensing of all outlets within the Borough that sell alcohol. In addition, premises that provide public entertainment and those premises that provide late night refreshment between the hours of 11pm and 5am are required to be licensed by this Authority under the Act.

The Licensing Act 2003 provides greater freedom and flexibility for the leisure and hospitality industry so that in turn the public are offered a wider choice. However, these greater freedoms are balanced by powers afforded to the Police and other Responsible Authorities, to the Courts and to Licensing Authorities to deal with those who seek to undermine such freedoms.

Licensing emphasis will be on the control of licensable activities which take place on licensed premises, or at qualifying clubs and at temporary events. Licence Conditions will focus on matters that are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity of the premises. There will also be focus on the direct impact of any licensable activities taking place on those living, working or otherwise engaged in the near locality.

It should also be remembered that the Licensing Act 2003 should not be seen as a mechanism for the control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling such premises.

The aim of this licensing 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.

This Statement of Licensing Policy was consulted upon between June – September 2007 in accordance with the relevant provisions of the Licensing Act 2003. Where appropriate, the consultation responses have been incorporated into this revised Statement of Licensing Policy.

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

**Licensing Authority
Telford & Wrekin Council
January 2008.**

Purpose and Scope of the Licensing 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 district.

Under Section 5 of the Licensing Act 2003, the Licensing Authority is obliged to publish a statement of its licensing policy every three years. This policy will explain how the Licensing Authority intends to exercise its licensing functions. This Policy takes effect on the 7th January 2008 and will remain in force for a period of 3 years when it will be subject to review and further consultation unless such review or consultation is required in the interim.

When carrying out these 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.**

In determining its licensing policy the Licensing Authority has consulted among others:

- the Chief Officer of Police for the area
- the Fire Authority for the area
- representatives of existing licence holders
- local businesses and their representatives
- local residents and their representatives
- bodies representing consumers, tourism and other neighbouring authorities

A full list of those people consulted is included at Appendix 3 of this Policy Statement.

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

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

Regulated Entertainment includes:

- a performance of a play
- an exhibition of a film
- an indoor sporting event

- entertainment by way of boxing or wrestling competition
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of facilities for making music
- provision of facilities for dancing.

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. Unless relevant representations are received from responsible authorities or interested parties, 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. Furthermore, there is no provision for a licensing authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought.

Duplication

Duplication with other statutory or regulatory regimes is to be avoided as far as possible. In circumstances where existing legislation and regulation already effectively promote the licensing objectives, it is likely that no additional conditions will be necessary.

In particular, this policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators such as The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

Enforcement

Where breaches of the Licensing Act 2003 are identified, action may be taken in accordance with the Enforcement Policy for Telford & Wrekin Council. (Available to view at www.telford.gov.uk). To this end, the key principles of consistency, transparency and proportionality are to be maintained.

Integrating Strategies

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

Police
 Fire Service
 Health Authorities
 Education Authorities
 Environmental Health
 Trading Standards
 Planning
 Transport
 Tourism

Race Equality Schemes 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 therefore 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.

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

Applicants and licensees must have due regard to requirements of the Disability Discrimination Act 1995, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 (As Amended 1999) and the Sexual Orientation and Religion or Belief Regulations 2003.

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 business to operate their premises without unnecessary restraint.

Part 3 of the Disability Discrimination Act requires the removal of physical barriers that hinder the access for disabled persons to licensed premises.

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

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. The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment.

In order to encourage the growth of cultural diversity within the Borough of Telford & Wrekin the Council may consider whether to apply for a premises licence in its own name for some public areas.

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 licence holder for any proposed regulated entertainment in the areas identified.

Planning

Applications under the Licensing Act 2003 should not to be seen as a re-run of a planning application process and there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

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.

Temporary Event Notices

Although a statutory period of 10 working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a Temporary Event Notice, this gives very little time for the Licensing Authority to process the application and for the Police to respond.

The Licensing Authority would therefore prefer that notice of Temporary Events be served on the Licensing Authority and Police **no later** than 20 working days prior to the event. This time frame is an expectation of the Licensing Authority and is not stipulated by the legislation.

Addresses for serving the Licensing Authority and Police with copies of a Temporary Event Notice can be found at Appendix 1 of this Policy Statement.

Cumulative Impact

The Licensing Authority will not operate a quota of any kind which would pre-determine an application, nor will it seek to impose general limitations on trading hours or type of premises in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs (including High Volume Vertical Drinking (HVVD) establishments if such exist in this borough), nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they are likely to have on the promotion of the licensing objectives.

The Licensing Authority itself will not initiate any specific policy relating to the cumulative impact of premises in a particular area. Such a policy would only be considered following relevant representations from the police or other

responsible authorities or from interested parties within the vicinity of the premises concerned.

Licensing Hours

Consideration will always be given to the individual merits of any application but the presumption will be to grant the hours requested unless there are properly evidenced and specific objections to those hours raised by responsible authorities or interested parties and are relevant to one or more of the licensing objectives.

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.

Children and Licensed Premises

The Licensing Authority recognises 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. However, 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 permit the presence of children under 16 who are not accompanied by an adult between midnight and 5.00am at other 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 premises will be considered on its own merits.

The Licensing Authority will not seek to limit the access of children to any premises unless it receives representations to that effect based on the

protection of physical, moral or psychological harm to children. When submitting their operating schedule, applicants should propose any prohibitions or restrictions in circumstances where they feel that the presence of children on the premises would be undesirable or inappropriate.

In cases where it is considered necessary, 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. The address and contact details for The Local Safeguarding Children Board can be found at Appendix 1 of this Policy Statement.

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

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 well being of children during an emergency.

The Portman Group Code of Practice

For premises where the sale or supply of alcohol takes place as a licensable activity the Licensing Authority wishes to recommend that applicants familiarise themselves and adopt The Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where appropriate, the Licensing Authority would favour imposing a condition of

licence to ensure that the age of a purchaser of alcohol is verified before the sale of alcohol takes place.

The Licensing Authority also supports and encourages applicants to adopt the provisions of the Government's Alcohol Harm Reduction Strategy, for example discouraging irresponsible drink promotions and the appropriate use of plastic or toughened glasses. However, the Licensing Authority will not impose conditions on any licence issued by it that restricts lawful competition or deals with issues that are properly operational matters for a premises licence holder.

Conditions of Licence

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.

Similarly and as a result of relevant representations received from responsible authorities or interested parties in respect of a particular application, the Licensing Authority may impose conditions on a licence. Such conditions will only be imposed in cases where they are considered necessary to meet the licensing objectives.

Conditions may also be taken from the Pool of Conditions in the Guidance issued by the DCMS (Annex D) under s.182 Licensing Act 2003. These are available to view on the DCMS Website: www.culture.gov.uk

Any conditions which are attached to licences and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned.

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.

However, where problems persist, a responsible authority or interested party (but not the Licensing Authority) can apply for the review of a licence. 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 necessary 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

The Licensing Process

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.

Unless there are relevant representations made in respect of an application by responsible authorities or interested parties, the issue of a licence is delegated to officers of the Licensing Authority.

Where relevant representations are made, the determination of the application will be made by a Sub-Committee consisting of 3 Members of the Council's Licensing Committee.

Appendix 2 of this Policy Statement sets out the delegation of decisions and functions to the Licensing Committee, its Sub-Committees and to Officers.

Contact Details

For information, advice and guidance relating to licensing and the application process including application forms, please contact the Licensing Team at Telford & Wrekin Council.

A full list of all contact details is set out at Appendix 1 to this Policy Statement.

Further information on all matters relating to the Licensing Act 2003 is available on the Department for Culture Media and Sport (DCMS) website at www.culture.gov.uk

Appendix 1

Licensing
Borough of Telford & Wrekin
Darby House
Lawn Central
PO Box 212
Telford
Shropshire
TF3 4LB
Tel: 01952 383267/383266
Fax: 01952 383269
E-mail: licensing@telford.gov.uk

Police Licensing Officer
Wellington Police Station
Victoria Road
Wellington
Telford
Shropshire
TF1 1LQ
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 385686
E-mail: David.goss@telford.gov.uk

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
PO Box 214
Darby House
Telford
TF3 4LE
Tel: 01952 381818

Fax: 01952 381806
E-mail: environmental.health@telford.gov.uk
Trading Standards
PO Box 214,
Darby House,
Lawn Central,
Telford,
TF3 4LB
Tel: 01952 381999
Fax: 01952 381993
E-mail: tradingstandards@telford.gov.uk

Health & Safety Executive (for government bodies, schools and hospitals
amongst other things)
The Marches House
Midway
Newcastle-under-Lyme
ST5 1DT
Telephone: 01782 602300

Planning
Environment & Economy
PO Box 212
Darby House
Lawn Central
Telford
TF3 4LB
Tel: 01952 380380
E-mail: planning.control@telford.gov.uk

Appendix 2

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 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
Renewal of personal licence – Police objection		All cases	
Renewal of personal licence – no police objection			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

Appendix 3

List of Consultees

Statutory consultees:

Chief Constable for West Mercia Police
Shropshire Fire and Rescue Service
Licensed Victuallers Association
Business Development Centre manager for small businesses
Telford Development Agency
Shropshire Chamber and Business Link
Wellington Chamber of Commerce
Newport Chamber of Commerce
Ironbridge Chamber of Trade
Telford & Wrekin Council Members

In addition the Licensing Authority consulted with:

Local Safeguarding Children Board
Environmental Health Section – Borough of Telford & Wrekin
Musicians Union
Planning Section – Borough of Telford & Wrekin
Regeneration Section – Borough of Telford & Wrekin
Tourism Section – Borough of Telford & Wrekin
Trading Standards Section – Borough of Telford & Wrekin
British Institute of Innkeepers (BII)

Copies of the draft policy were sent for consultation to:

545 Licensed premises
38 Licensed club premises

Copies of the policy were made available for consultation at:

Telford & Wrekin Council website
Local libraries
Darby House reception
Civic Offices reception

Appendix B

Name of respondent	Summary of response	Officer comments and recommendations.
<p>Stirchley and Brookside Parish Council</p>	<p>Concerns regarding;</p> <ol style="list-style-type: none"> 1. Parish Councils are not consulted about applications in their area. 2. What weight is given to concerns of local residents 3. At what level of public nuisance would enforcement action be taken? 	<ol style="list-style-type: none"> 1. Parish Councils are not a Responsible Authority under the LA 2003 and must look out for the press and public notices in the same way as other interested parties. <p>Licensing are in the process of having the applications put on a register on the web pages, which they will be able to use. However, can contact Licensing on a weekly basis to ask what apps rcvd and will be provided with this information.</p> <ol style="list-style-type: none"> 2. Any single representation to an application, so long as it relates to one or more of the licensing objectives, will result in the matter going to Committee. The committee will listen to all evidence on the day and make a decision with full reasoning. If a licence is issued and the premises become a problem, any one person can request a review of the licence. This will need to be supported by evidence. 3. All complaints are investigated. The Licensing service can only prosecute for breaches of condition. However, a Responsible Authority or Interested Party can request a review of the licence based on the prevention of public nuisance. As nuisance is not defined in the Act, the Courts have applied the common law meaning of nuisance to such matters.

Name of respondent	Summary of response	Officer comments and recommendations.
Mrs V Bagnall Furrows of Telford (individual)	<ul style="list-style-type: none"> Wanted more to be done to get 16 – 17 year olds to carry proof of age cards with photo ID and DOB. 	This is an initiative currently being developed by NTE officers and PCT to offer free PASS cards to 16&17 yr olds.
Cllr Bob Groom	<ul style="list-style-type: none"> Concerned that local branch of CAMRA (Campaign for Real Ale) were not consulted. 	The national branch of CAMRA was consulted as was unable to find contact details of a local branch. This should have been passed on.
Lawley and Overdale Parish Council	<ul style="list-style-type: none"> Concerns that Parish Councils' not included as a responsible auth. 	This is because they are not defined as such under the Act. However, we have consulted widely in accordance with the Cabinet Office Code of Conduct.
Dawley Hamlets Parish Council	<ul style="list-style-type: none"> Concerns that PCs are not a Statutory Consultee. Want notification of applications as a courtesy 	See above.
Mr M White Individual	<ul style="list-style-type: none"> Concerns regarding drinking in public places. 	Considered inclusion but was felt that it was more appropriate to link to VCRA (Violent Crime Reduction Act) and DPPOs(Designated Public Place Orders) and the Safer and Stronger Communities.
Wellington Town Council	<ul style="list-style-type: none"> Congratulated BTW on the policy. Raised concerns not relevant to the statement of licensing policy regarding taxis. 	This matter has been dealt with separately by the Licensing Operations Manager.

Name of respondent	Summary of response	Officer comments and recommendations.
Mr John Hockin Individual	<ol style="list-style-type: none"> 1. Concerns that the licensing objectives are not being met in the Newport area. 2. That the system is bureaucratic for small events. 3. Disagreed that the “previous licensing regime was outdated” 	<ol style="list-style-type: none"> 1. To respond to advise that if can establish a causal link to specific premises can apply for review. 2. System has been established by Central Government and Licensing can't change this. DCMS currently looking at changes to reduce bureaucracy but nothing concrete. 3. A comment of Central Government in consolidating previous legislation.
Graham Nicholas	<ol style="list-style-type: none"> 1. Concerns related to the prohibition of alcohol in all town parks during official booked events, as advised by the Landscape and Recreation Department at Telford and Wrekin Council. 2. Concerns that this is an automatic alcohol ban 	<p>The consumption of alcohol is not a licensable activity and is outside of the remit of the Licensing Authority. However, as the owner of the land the landscape and recreation dept can make it a condition of hire for events. For the sake of clarification a section has been added on public spaces at 5.6 of the revised guidance.</p>
Hadley Parish Council	Felt that current policy served its purpose well and supported its unchanged retention	
High Ercall Primary School PTA	Concerns about procedure and pricing structure for events.	<p>Respond to advise that fees are set by Central Government not BTW – no discretion to change. However, make them aware that they can apply for a premises licence for regulated entertainment and LNR and be fee exempt. Will only have to pay if involves alcohol and could pass that cost on to the publican? We advise this to any schools/community centres that apply for TENS already.</p>

Name of respondent	Summary of response	Officer comments and recommendations.
Wellington Civic Society	<ol style="list-style-type: none"> 1. Wanted landlords to be made responsible for glasses and bottles not leaving premises. 2. Concerns re smoking areas and planning permission 3. Want all premises to be installed with internal and external CCTV. States that some premises have this as a condition but do not comply. 4. Want a ban on street drinking in certain areas of wellington. 5. Wants food take away premises to pay additional rates to cover keeping streets clean. 6. All late night premises to have notices for patrons to respect residents and keep quiet. 	<ol style="list-style-type: none"> 1. All licences are different. Some have this as a condition of licence, need to identify premises. If does have a condition is a breach so can request review of licence, or advise EH 2. This is a matter outside of the remit of the Licensing Authority and would be better addressed by EH/Police. Again can request a review under grounds of prevention of public nuisance. 3. Can not enforce blanket conditions. If he knows of premises that have this as a condition but don't comply, needs to report this to us and the police. A review can be requested or prosecution considered. 4. This is outside of the remit of licensing. Refer to the CDRP and police to investigate and evidence as such DPPOs are under the VCRA. 5. This is outside of the remit of the licensing act. Contact Environment Health (Environmental Protection Act??) 6. Cannot enforce blanket conditions. Can only add conditions at grant, variation or review, if relevant representations are received and relevant to the promotion of the licensing objectives. This is reiterated in revised document at 6 and 6.1.
Anthony Minshall Premises Licence Holder	No comments	
Mr Michael Hibbert Premises Licence Holder	No comments	

Name of respondent	Summary of response	Officer comments and recommendations.
Cecil Walker Premises Licence Holder	No Comments	
Mary Jane Broadhurst Personal Licence Holder	No comments	
Jagdish Sangha Personal Licence Holder	No comments	
Oakengates Tandoori Restaurant Mr Abdul Khalique Premises Licence Holder	No comments	
Steven Hawkins – Premises Licence Holder	No comments	
John Francis Personal Licence holder	No comment	
Sudhir Patel Personal Licence holder	No Comment	

Name of respondent	Summary of response	Officer comments and recommendations.
Dawley Hamlets Parish Council	Concerns regarding; PCs are not consulted about applications in their area.	As above
Environmental Health – Telford & Wrekin Council Ian Moorhouse	Concerns that; <ol style="list-style-type: none"> 1. policy too brief 2. Felt scope to extend to advise and assist applicants and objectors 3. Not enough of a balance of licensing objectives 4. Too much on children 5. To amend about “no general presumption in favour of lengthening licensing hours” as per current guidance 6. Reference made to Royal Borough of Kensington and Chelsea Policy and Doncaster Policy. 7. TENs not covered sufficiently 8. No info on fact that neither TEN or licence allow a person to create Statutory Nuisance 9. Not enough signposts to list of conditions and persons who can offer advice. 	<ol style="list-style-type: none"> 1. Have extended the policy by over 50% 2. Agreed with this point, carried out a benchmarking exercise amongst family group and based on common queries experienced over the last 3 years and added and amended accordingly. 3. Agreed with this point and amended. A section on each of the licensing objectives added along with details of who can assist on each area. 4. Will always be slightly more emphasis on children as children and licensed premises are mentioned in the guidance in addition to the licensing objective, so the policy is only reflective of the guidance. 5. Amended. 6. Considered in conjunction with 3, and utilised parts along with DCMS guidance, and policies from Luton BC and Herefordshire. The Doncaster policy was slightly too large, but considered in relation to Public nuisance and noise. 7. Amended in accordance with 3. Also planning launch of a TEN leaflet and revised guidance and promo campaign in 2009. 8. Amended in the new pages on each objective and section on TENs. 9. Amended as per point 4. Will also link with integrating strategies and CIEH/noise/DEFRA

Name of respondent	Summary of response	Officer comments and recommendations.
<p>Nigel Houlston - Regulation and Resilience Manager – Telford & Wrekin Council</p>	<ol style="list-style-type: none"> 1. To incorporate the Council’s Alcohol Harm Reduction Strategy as agreed by members. 2. Possible Alcohol Control Measures such as Alcohol Free zones and alcohol disorder zones. 3. Reference that in compiling the policy that account was taken of the Council’s other considerations in relation to the 6 equalities. 4. Comment on recent development in respect of NTE to be integrated into policy 5. To consider the statement that the Council will not impose conditions that “restrict lawful competition” in relation to certain lawful yet ill considered practices. 6. Council’s own set of “pick and mix” licence conditions. 	<ol style="list-style-type: none"> 1. This has now been incorporated. It had not been fully agreed at the time of the last review. 2. Alcohol Disorder Zones had not been passed at the time of the last review. This and DPPOs are more the responsibility of the CDRP – safer and stronger communities partnership than the LA as they come under the VCRA. The policy links to the Safer and Stronger website, and mentions the VCRA in integrating strategies. This seems adequate on behalf of the licensing authority. 3. This has been incorporated. 4. Specific mention to the NTE, its promotion and initiatives has been made in the revised policy. 5. This has been amended to refer to competition law in relation to discounting and sales promotions as per the national guidance at 10.38. Anything else would be overly prescriptive and outside of the remit of the Act. 6. Suanne Fisher advised to use the DCMS pool of conditions to avoid accusations of standardised conditions.

Name of respondent	Summary of response	Officer comments and recommendations.
Trading Standards - Telford and Wrekin Council – Anita Hunt	<ol style="list-style-type: none"> 1. To make mention of the appointment of the NTE officer and how this will aim to improve the NTE in general. 2. Specific mention to the Alcohol Strategy 3. Specific mention to joint working 4. NTE – expand on working together, responsible management, training and good practice. 5. Equal weight to be given each of the licensing objectives. 6. Referred to Warrington Statement of Policy 	<ol style="list-style-type: none"> 1. Specific mention made to NTE officer but not as a new appointment and how this will improve NTE as is a temporary post and implementation depends on funding. Feel that if we make specific mention and then these do not materialise this may make a rod for our own backs. In addition, the business plan for NTE will cover such things. The revised policy includes a greatly expanded section on the NTE. 2. This has been made. (see response from NH) 3. Partnership working is encouraged and mentioned throughout the revised policy, an amended section on integrated strategies and a specific section on 4. Have added a specific section on the NTE detailed good practice/Responsible management/supervision and training of staff at licensed premises/partnership working/initiatives such as Bar Code and Safer Nights/Alcohol harm reduction strategies – local and national/Portman Code of Conduct and Proof of age cards and Challenge 21/25 schemes. 5. This has now been done (refer to the response from Environmental Health – Ian Moorhouse). 6. Utilised information from the benchmarking exercise and the recommended Warrington Policy.
David Goss – Local Safeguarding Children Board	No comments, other than to amend the contact telephone number to 01952 385678	

Name of respondent	Summary of response	Officer comments and recommendations.
<p>British Beer and Pub Association – Dr Martin Rawlings MBE - Director</p>	<ol style="list-style-type: none"> 1. Welcomes BTW’s positive approach to the licensing of the sale of alcohol and the provision of public entertainment, which recognises the cultural and social contribution that the licensed trade has to make. 2. Concerns that may not have chance to respond if further changes are made. 3. Requested clarity on wording on p8/9 that suggest conditions limiting the access of children upon receipt of representations. 4. Concern re duplication of existing offences re under 18 in section on Portman Code of Practice. 5. Wanted policy to support proof of age schemes. 6. Wanted a risk based approach to be added to requiring premises to use glass alternatives. 7. Reference to the BBPA guide to risk assessments 8. Wanted it to be made clear that the Licensing Authority cannot attach conditions unless volunteered by the applicant or determined by the LA following representations and if necessary for the promotion of the objectives. 	<ol style="list-style-type: none"> 1. No comment 2. As it is intended to make further 12 week consultation of the proposed amendments, we will ensure the BBPA receive a copy to make further comment. 3. Agreed that this needed further clarification. Removed section that caused confusion previously. Added new section specifically on relevant representation at 6.1 and at 6 – specifically states that “Unless relevant representations are received from responsible authorities or interested parties, 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.” 4. Agreed and removed section of the policy that duplicated the offence of selling to underage. Simplified section referring to the code of practice in its place. 5. Agreed and amended section to show support of such schemes at 3.6 6. Removed this section as felt that it was not for the Licensing Authority to highlight just one type of condition. Instead make reference to responsible management and good practice at 3.1 & 3.2 referring applicants to BBPA good practice guides on lots of issues to be considered. Feel that this allows more freedom of choice and is not overly prescriptive on the part of the licensing authority. 7. Covered in point 6 above. 8. This has been done in section 6 and 6.1 of the revised policy.

Name of respondent	Summary of response	Officer comments and recommendations.
<p>Safer and Stronger Communities Partnership – Tom Currie</p>	<ol style="list-style-type: none"> 1. Concerns that there was a fine line between allowing premises to be used for alcohol and entertainment and encouraging the excessive use of alcohol through cheap drink promotions. 2. States there are sufficient instances of drink related behaviour exacerbated by drinks promotions borne out by Police data. 3. Stated that such evidence could form part of the cumulative impact assessment for this policy. 4. Details that consumption of alcohol should be controlled. 5. Reference to drunk persons being served by bar staff. Wants full compliance on training for bar staff as a licence condition. 6. Wants stipulation of requirements for CCTV for premises where large congregations of people gather. 7. Wants reference to risk assessments and other legislation that applies. 8. Wanted specific mention to Safer and Stronger Communities Partnership (CDRP) even though not a Responsible Authority as they work closely with the RA Group. 	<ol style="list-style-type: none"> 1. This is a matter that is not addressed by the LA 2003 and is currently being considered by Central Government with the Policing and Crime Bill and a proposed alcohol code due to go to consultation very soon. 2. Licensing Officers have attempted to obtain police data and data from Safer and stronger communities to no avail in the past, as has the NTE officer. If such evidence exists and can be linked to specific premises, the police can and should request a review of licence. The Licensing Authority cannot request a review. 3. This should and needs to be made available on a regular basis. It is proposed to bring in a Forum for all stakeholders, responsible authorities and the public in 2009. This will allow the potential to declare areas under a saturation policy. The accumulation of such evidence is the ideal area for the NTE officers and CDRP to work together on. At present, BTW do not have a cumulative impact policy as it has not had sufficient evidence provided to warrant this. Any such evidence must be formally presented to the Licensing Authority for consideration. 4. The consumption of alcohol is not a licensable activity and as such cannot be controlled by the LA 2003. Sufficient mechanisms exist to control excessive consumption by offences of being drunk and disorderly under the criminal law, and through the instigation of DPPOs under the VCRA. These are outside of the remit of the Licensing Authority.

		<p>5. Serving persons already drunk is an offence under section 141 of the LA 2003. If any such premises are reported to the Licensing Service then the enforcement officers will investigate and gather evidence and may prosecute. In addition, if the police have evidence of such behaviour, then they can request a review of the licence. This is sometimes more effective and expedient than a prosecution, and can result in a licence being withdrawn or restricted. It is not possible to add blanket conditions in relation to training or any situation, and the licensing authority can only add conditions at a hearing further to a request for an application/variation or a review where it is necessary for the promotion of one or more licensing objectives. Therefore evidence is crucial. However, through the Forum/Liaison groups it is proposed to enhance and develop the trade awareness of a number of qualifications. This has been mentioned at 3.2 & 3.3 in the revised policy in the specific sections on Responsible Management and Supervision and training. Links to course providers has also been provided.</p> <p>6. As stated at point 4 above, the licensing authority cannot add conditions unless a relevant representation is made at application for a licence or variation or review and can only do so when it is considered necessary for the promotion of the licensing objectives. However, the revised policy contains the DCMS pool of model conditions which makes reference to CCTV and the use of polycarbonate glasses as referred to in the response.</p>
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		<p>7. The revised policy reiterates the need for licence holders to carry out risk assessments and the relevant factors to assist and guide applicants. An updated integrated strategies section and mention of other legislation has also been added.</p> <p>8. Specific mention to the CDRP and a link to their web page is added to the revised policy at 3.4 under the Night Time Economy Section – Partnerships and other initiatives. The Alcohol Harm Reduction Strategy is also reference. This was not done at the last review of the Statement of licensing policy as it had not been formalised.</p>
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STATEMENT OF LICENSING POLICY CONSULTATION
RESPONSE FORM

LICENSING ACT 2003

1. Name:	
2. Address:	
E-mail:	
3. If replying on behalf of an Organisation or Association, please insert details and address:	
4. If you have any comments about the proposed Statement of Licensing Policy, please provide them below (Continue on a separate sheet, if necessary)	

Please return this form to : Licensing Operations Manager, Telford & Wrekin Council, PO Box 212, Darby House, Lawn Central, Telford. TF3 4LE
or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on Friday 6th February 2009**

Any responses will normally be made available to the public.



Telford & Wrekin

C O U N C I L

Statement of Licensing Policy

January 2008 as amended by interim review

April 2009

**Post Second Consultation Version (Oct
2009)**

If you would like this information in alternative formats, such as large print, Braille or audio tape, please contact 01952 382122

If you would like free help to understand this document in your own language, please phone Telford & Wrekin Council on 01952 382122

Chinese

如果你想利用我們的免費中文協助來幫助你明白這份資訊，請打電話 01952 382121 與泰爾福&瑞慶區政府聯絡。

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਜਾਣਕਾਰੀ ਜਾਂ ਪਰਚੇ ਨੂੰ ਆਪਣੀ ਬੋਲੀ ਵਿਚ ਸਮਝਣ ਵਾਸਤੇ, ਟੈਲਫੋਰਡ ਐਂਡ ਰੀਕਿਨ ਕਾਊਂਸਿਲ ਦੀ ਮੁਫਤ ਸੇਵਾ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਉਹਨਾਂ ਨੂੰ 01952 382121 ਉੱਤੇ ਫੋਨ ਕਰੋ।

Urdu

اگر آپ کو اس دستاویز میں دی گئی معلومات کو اپنی زبان میں سمجھنے کیلئے کسی بھی قسم کی مدد کی ضرورت ہے تو برائے مہربانی ٹیلیفون ڈائریکٹریکٹ کو 01952 382121 پر فون کریں۔

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1. Introduction

Licensed entertainment makes a valuable contribution towards the continued 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 encourage.

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

- Encourage young 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.

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 DCMS Guidance issued under section 182 of the Licensing Act 2003 (28.07.07)

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.

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

This version of the policy is further to an interim review that commenced in November 2008. Where appropriate, the consultation responses have been incorporated into this revised Statement of Licensing Policy.

This version, subject to consultation, and any required amendments, will remain in force until 2011, 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 and community centres, as well as some shops, stores and supermarkets, off licences and late night food premises and vehicles selling hot food or hot drink.

In determining this policy, the Licensing Authority consulted widely, as set out in Appendix C. Due consideration was given to the views of all those who responded to the consultation process.

3. Night Time Economy

The night-time economy encompasses a range of activities for inhabitants and visitors to the Borough. It consists of pubs and clubs, cinemas and 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, and it has an impact on the health service.

The development of the night time economy as a whole has been taken into account in the development of this policy.

The promotion and development 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 statistical evidence¹ shows that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. 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 or 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 or 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 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

These are all available on their website www.beerandpub.com

The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment, entitled "Managing Safety in Bars, Clubs and Pubs". This along with information on responsible drinking and the Proof of Age Standards Scheme (PASS) can be downloaded or accessed from their website at www.beerandpub.com.

3.2 Responsible Management

The Licensing Authority seeks to promote the responsible and professional management of premises and events by licence or certificate holders of

¹ Based on evidence from:

- a) British Crime Survey 2007/08
- b) Alcohol Concern – Alcohol and Statistics
- c) West Mercia Police – Joint Policing Plan 2008-2011
- d) Home Offices Findings from 2003 Offending, crime and justice survey: alcohol related crime and disorder
- e) Office of National Statistics: Drinking – Adults behaviour and knowledge 2004

premises 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 achievement of qualifications from relevant Trade Associations such as the British Institute of Inn Keeping Awarding Body. www.biiab.org

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 impact, indirectly, upon them. Therefore the co-ordination and integration of policies, strategies and initiatives is vital to support and uphold the licensing objectives.

A number of initiatives are already underway to address the issue of excessive alcohol consumption such as campaigns to target under age drinking, reduce binge drinking and to promote sensible attitudes to alcohol. This has led to the production and adoption of a formal Alcohol Strategy for Telford.

Under Section 5 of the Crime and Disorder Act, Crime And Reduction Partnerships were established between the Local Authority and the Police. The Safer and Stronger Communities 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.

3.5 Initiatives

1. Safer Nights Campaign

Telford & Wrekin Safer & Stronger Communities Partnership have 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.

2. Telford & Wrekin Bar-Code

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 and Stronger Communities website can be accessed here www.safertelford.org.uk

3.6 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) To ensure an up to date understanding of the legislation involved and the powers of regulatory bodies.

This is as recommended by the DCMS Guidance issued under Section 182 of the Licensing Act 2003. (June 2007)

3.7 Alcohol Harm Reduction Strategies

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

3.8 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.

3.9 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 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.

4. Integrated Strategies

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

Police
Fire Service
Health Authorities
Education Authorities
Environmental Health
Trading Standards
Planning
Transport
Tourism
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.

This policy has taken into account the Telford and Wrekin Equality and Diversity Policy and the 6 equality strands; Gender, ethnicity, disability, age, religious belief and sexual orientation, in its formulation.

The Council's Licensing Committee will therefore 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.

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 requirements of the **Disability Discrimination Act 1995, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 (As Amended 1999)** and the **Sexual Orientation and Religion or Belief Regulations 2003**.

Part 3 of the **Disability Discrimination Act** requires the removal of physical barriers that hinder the access for disabled persons to licensed premises.

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.

5. 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 (See below)
- provision of late night refreshment (the supply of hot food and/or hot drink from any premises between 11pm and 5am).

5.1 Regulated entertainment

The provision of regulated entertainment covers the provision of entertainment and/or entertainment facilities.

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
- A performance of live music
- Any playing of recorded music

- A performance of dance
- Or entertainment of a similar description to above

To be “regulated entertainment” the entertainment must take place in the presence of an audience and be provided for the purpose of, or for the purposes, which include, entertaining that audience.

“Entertainment facilities” are facilities for enabling people to take part in entertainment for the purpose of being entertained or for purposes.

5.2 Exemptions

Licence Exemptions

The Act does have exemptions from the requirement for a premises licence when providing entertainment but if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities.

The main exemptions for the provision of entertainment and entertainment facilities from the requirement for a licence under the Licensing Act are as follows:

- For the purposes of or purposes incidental to religious services or meetings or at places of public religious worship.
- Morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such dancing.
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment.
- Garden fete – or functions or events of a similar nature if not being promoted or held for purposes of private gain.
- Film exhibitions for the purposes of advertisement, information, education, etc – if the sole or main purpose of the exhibition of a film is: to demonstrate any product or advertise any goods or services or provide information, education or instruction
- Film exhibitions, museums and art galleries – where an entertainment consisting of the exhibition of a film, is, or forms part of, an exhibit put on show for any purposes of a museum or art gallery.
- Use of television or radio receivers – where entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990. However, showing pre-recorded entertainment would require a licence.
- Vehicles in motion – where the provision of entertainment or entertainment facilities take place:
 - on premises consisting of or forming part of a vehicle and
 - at a time when the vehicle is not permanently or temporarily parked.

Fee Exemptions

The use of church halls, chapel halls, village halls, scout /guide halls or other premises of a similar nature will require a licence for the provision of regulated entertainment (unless they fall within the exemptions listed above) but there will be an exemption from having to pay the fee associated with obtaining a premises licence for that provision.

If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, or if events are authorised through a Temporary Event Notice, then a fee will be required for those activities.

5.3 Educational Establishments

Schools and Sixth form colleges will require a licence to stage regulated entertainment to which the public is invited, or where a fee is charged, and with a view to profit.

5.4 Charitable Events

If regulated entertainment is provided at a charitable event, to which the public is invited, a premises licence or temporary event notice will be required. Private events, where the invited guests are charged, either with a view to profit or to raise funds for charity, are licensable as such a charge could, for example, lead to greater risks being taken with regard to safety issues.

5.5 Circuses and fairs

If a circus or pleasure fair provides regulated entertainment or there are to be supplies of alcohol or provision of late night refreshment, a premises licence or temporary event notice will be required.

5.6 Late night refreshment

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 2300hrs and 0500hrs.

The Act does provide exemptions from this provision. Examples of exemptions are as follows:

- Provision of hot drink from a vending machine where the payment for the hot drink is inserted into the machine by a member of the public, and the hot drink is supplied directly by the machine to the person.
- Where hot food or drink is supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or drink
- Where it is supplied by a registered charity.

- Hot food or drink supplied on a vehicle, which is not permanently or temporarily parked at the time.
- Where the supply is on or from premises to which, only persons described below are admitted and supplied;
- Guests of hotels etc.
- Members of a recognised club or their guests.
- Employees of a particular employer i.e. shift workers staff canteen
- Persons engaged in a particular trade or who are members of a particular profession or vocation and their guests.

5.7 Raffles and tombola

The Licensing Authority will not require raffles which have alcohol as a prize to be licensed provided that the following requirements apply;

- a) the proceeds are not for personal gain
- b) there are no money prizes
- c) alcohol is in a sealed container
- d) tickets are only sold at the event where the prize is drawn

If the conditions apply, then a temporary event notice or premises licence will be required.

In addition, if raffle tickets are sold prior to the event, you will also require a lottery registration under the Gambling Act 2005. This can be obtained by contacting the Licensing Service.

Tombolas are exempt from the licensing requirements of both the Licensing Act 2003 and the Gambling Act 2005 and do not require a licence.

5.8 Public Spaces

The Council wishes to promote a broad range of entertainment within its area including live music, dancing and theatre. To promote this policy the Council, acting separately, from the Licensing Authority may, where appropriate, seek to obtain premises licences for Council owned public spaces within the community such as market squares, village greens, parks etc.

As the owners of the public spaces, the Council department 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 of the control of the Licensing Authority and are a matter for the parties involved.

5.9 Busking

The Department of Culture, Media and Sport advise that in most circumstances, busking, in the common sense meaning of that word, will not be licensable. Busking is usually "incidental" to other activities - such as shopping - or the premises where the music is played will not have been provided for busking to take place. There may however be instances that fall outside of this.

Licensing authorities will be able to tell individual performers whether or not they need permission to perform in any given circumstances.

Buskers may be asked to move on by the Police or Environmental Health Officers under other legislation and must comply with any such requests.

Any busking on private land will require the permission of the landowner.

5.10 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 may consider whether to apply for a premises licence in its own name for some public areas.

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 licence holder for any proposed regulated entertainment in the areas identified.

6. Licensing Objectives

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.

Unless relevant representations are received from responsible authorities or interested parties, 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.

Furthermore, there is no provision for a licensing authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought.

6.1 Relevant Representations

Any relevant representations received from Responsible Authorities or Interested Parties will be considered by the Licensing Authority. Any Interested Party may request a representative to act on their behalf. This could be a legal representative, a friend, an MP or Councillor.

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 to licensing matters. They may refer the person to a fellow Councillor.

For a representation to be taken into account they must concern at least one of the Licensing Objectives. Where a representation is made by an Interested Party, the Licensing Authority will determine if the representations are relevant. It may be rejected if it is considered irrelevant, frivolous and/or vexatious.

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

6.2 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 necessary 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 necessary 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 must be made in an applicant's operating schedule, where applicable, to such occasions and any additional measures planned to achieve the licensing objectives.

6.3 Aims and Factors to consider

In the sections relating to each licensing objective, 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

6.4 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:

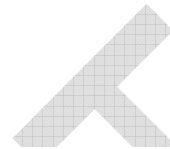
- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the 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

6.5 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 Department of Culture, Media and Sport website, together with specimen documents.

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.

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 aimed 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 can not restrict opening hours unless it receives representations to an application.

It is for the applicants 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 licence, the Licensing Authority will take into account applicant's requests for terminal hours in the light of;

- a) Environmental quality
- 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.

8.1 Designated Premises Supervisor

The sale of alcohol, because of its wider impact on the community carries, with it greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of a Designated Premises Supervisor 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 Designated Premises Supervisor 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.

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

9. Conditions

Each application will be considered on its individual merits. Only those conditions necessary 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, health and safety at work and fire safety legislation). However, the Authority will expect licencees to maintain compliance with those regulatory regimes and would encourage licencees 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.

Conditions may also be taken from the Pool of Conditions in the Guidance issued by the DCMS (Annex D) under s.182 Licensing Act 2003. These are available to view on the DCMS Website: www.culture.gov.uk

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.

However, the Licensing Authority will not impose conditions on any licence issued by it that restricts lawful competition or deals with issues that are properly operational matters for a premises licence holder. This is in accordance with the DCMS Guidance² at 10.38.

² Department of Culture, Media and Sport – Guidance issued under Section 182 of the Licensing Act 2003 (June 2007)

10. Temporary Event Notices

Although a statutory period of 10 working days prior to an event is the minimum notice that must be given to the Licensing Authority and the Police for a Temporary Event Notice, this gives very little time for the Licensing Authority to process the application and for the Police to respond.

Section 7.18 of the DCMS Guidance issued under section 182 of the Licensing Act 2003 (June 2007) states that this is exclusive of the day on which the notice is served and the day on which the event is to start.

The Licensing Authority would therefore prefer that notice of Temporary Events be served on the Licensing Authority and Police **no later** than 20 working days prior to the event. This time frame is an expectation of the Licensing Authority and is not stipulated by the legislation.

Addresses for serving the Licensing Authority and Police with copies of a Temporary Event Notice 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 are the only body who may make representations to a temporary event notice, and can only do so, if to allow the event would undermine the crime prevention objective

The Licensing Authority cannot attach any terms or conditions on such events other than those set down in legislation.

The various Responsible Authorities and Council departments 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.

11. 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. 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. But, all supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

11.1 Duration of licence

A personal licence is issued for ten years in the first instance and can be renewed on application for a further ten years if the licence holder has not been convicted of any relevant or foreign offence.

Applicants for personal licences will need to obtain an accredited qualification first. 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 check.

11.2 Relevant offences

If there are no unspent criminal convictions for 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 (the Act) 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.

11.3 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.

The Secretary of State in the DCMS Guidance issued under Section 182 of the Licensing Act recommends that, where the Police have issued an objection notice, the Licensing Authority should normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

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

12. **Cumulative Impact**

The Licensing Authority is aware of the cumulative 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 and an increase in littering or fouling.

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

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.

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.

The absence of such a special policy does not prevent any responsible authority or interested party making representations on a new application on the grounds that the grant of the application will give rise to a negative cumulative impact on one or more of the licensing objectives.

13. Duplication

Duplication with other statutory or regulatory regimes is to be avoided as far as possible. In circumstances where existing legislation and regulation already effectively promote the licensing objectives, it is likely that no additional conditions will be necessary.

In particular, this policy is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators such as The Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

14. 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.

15. 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 interested party (but not the Licensing Authority) can apply for the review of a licence. An Interested Party can be just one individual.

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 necessary 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

16. 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.

17. 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 licensing enforcement policy exists 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 an inspection regime which will be dependant on the type of premises to be inspected i.e. well managed and maintained premises will not require the same number of inspections as problem and high risk premises.

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

The Licensing Enforcement 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.

Part B - Licensing Objectives

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

A licensing authority may only restrict licensable activities where it is necessary 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 well being 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 necessary (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 licensing 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, appropriate training and supervision 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 applicants 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, 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, appropriate training and supervision 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 setting of maximum occupancy levels
- 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, Health and Safety and Shropshire Fire Service, as detailed in Appendix A.

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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 the 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, appropriate training and supervision 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 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.

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 any incident.

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4. The protection of children and 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 premises will be considered on its own merits.

In cases where it is considered necessary, 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

Children in performances

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 necessary 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 385223.

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 well being of children during an emergency.

4.5 Factors to be considered

Where no licensing restriction on the admission of children is considered necessary, 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, appropriate training and supervision 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
- the requirement for 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.

The Licensing Process

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.

Further information relating to content of operating schedules is detailed under each of the licensing objectives.

Unless there are relevant representations made in respect of an application by responsible authorities or interested parties, the licence will be deemed as granted by the Licensing Act 2003.

Only where relevant representations are made will the determination of the application be made by a Sub-Committee consisting of 3 Members of the Council's Licensing Committee at a hearing.

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

Contact Details

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



Licensing Service
Telford & Wrekin Council , PO Box 212, Darby House, Telford, TF3 4LB

Telephone: 01952 383267/383266

Fax: 01952 383269

Email: licensing@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 Department for Culture Media and Sport (DCMS) website at www.culture.gov.uk

Appendix A

Licensing

Borough of Telford & Wrekin
Darby House
Lawn Central
PO Box 212
Telford
Shropshire
TF3 4LB
Tel: 01952 383267/383266
Fax: 01952 383269
E-mail: licensing@telford.gov.uk

Police Licensing Officer

Wellington Police Station
Victoria Road
Wellington
Telford
Shropshire
TF1 1LQ
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
E-mail: David.goss@telford.gov.uk

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

(1 copy to Pollution Control & 1 copy to Health & Safety)
PO Box 214
Darby House
Telford
TF3 4LE
Tel: 01952 381818
Fax: 01952 381806
E-mail: environmental.health@telford.gov.uk

Trading Standards

PO Box 214,
Darby House,
Lawn Central,
Telford,
TF3 4LB
Tel: 01952 381999
Fax: 01952 381993
E-mail: tradingstandards@telford.gov.uk

Planning

Environment & Economy
PO Box 212
Darby House
Lawn Central
Telford
TF3 4LB
Tel: 01952 380380
E-mail: planning.control@telford.gov.uk

*Health & Safety Executive (for government bodies, schools and hospitals
amongst other things)
The Marches House
Midway
Newcastle-under-Lyme
ST5 1DT
Telephone: 01782 602300*

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 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
Renewal of personal licence – Police objection		All cases	
Renewal of personal licence – no police objection			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

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Appendix C



Portfolio	Adult and Consumer Care
Business Unit	Regulation and Resilience
Service Area	Licensing

Statement of Licensing Policy – Licensing Act 2003 – Consultation

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
- 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.

Chief Constable for West Mercia Police
Police Licensing Officer for Telford and Wrekin area
Shropshire Fire and Rescue Service
Licensed Victuallers Association
Business Development Centre Manager for small businesses
Transforming Telford
Shropshire Chamber and Business Link
Wellington Chamber of Commerce
Telford and Wrekin Council Members

In addition the Licensing Authority Consulted with

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum (Via Tina Jones)

- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- 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

- 35 Licensed Club Premises in Telford and Wrekin
- 585 Licensed Premises
- 984 Personal Licence holders

- Alcohol Concern
- Alcohol Education and Research Council
- Association of British Theatre Technicians
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- CAMRA
- Civic Trust
- Cleaner Safer Greener Communities
- Committee of Registered Clubs Association
- Drinkaware Trust
- Equity
- Federation of Licensed Victuallers Associations
- Guild of Master Victuallers
- Lap Dancing Association
- Musicians Union – Midlands Regional office
- National Federation of Retail Newsagents
- National Operatic and Dramatic Association
- National Pubwatch
- Night Magazine
- Noctis UK (Was the Bar Entertainment and Dance Association)
- Morning Advertiser Magazine
- The Publican Magazine
- Small Business Federation
- Telford Citizen's Advice Bureau
- ACRE – Actions with Communities in Rural England (Village Halls etc)
- Wine and Spirit Trade Association
- Working Mens Club and Institute Union

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council

- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Telford Housing Associations:

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Bromford Carinthia
- Hanover Housing Association
- Housing 21
- Robert Moore Housing Trust
- Stay Supported Housing
- The Beth Johnson Housing Group
- Wrekin Housing Trust

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Training providers for personal and premises licence holders:

- Bridges Marketing
- Shropshire County Training
- ABV Training

Community Organisations:

- Place of worship and cultural information for the Sikh religion.
- 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
- 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

All schools in Telford and Wrekin area

Libraries – all in Telford & Wrekin area

Transport policy and management – Telford and Wrekin Council

Telford Travel link

Youth Offending Services Telford and Wrekin Council

Copies of the policy were made available for consultation at:

Telford & Wrekin Council website

Local libraries

Darby House reception

Civic Offices reception

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Appendix D

Pool of proposed conditions

Annex D – K taken from the Department of Culture, Media and Sport Guidance issued under section 182 of the Licensing Act 2003

The Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003 states that this pool of conditions is not an exhaustive list.

- These conditions **could** be used where necessary and appropriate to the particular circumstances of individual licensed premises.
- It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.

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

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

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

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

It is recommended that a condition requiring the text/radio pager links to the police should include the following elements:

- a requirement that the text/pager equipment is kept in working order at all times;
- a requirement that the pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- a requirement that any police instructions/directions are complied with whenever given; and
- a requirement that all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

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

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

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety (see Annex E).

Bottle bans

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

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

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (**note:** this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

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

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and in untoughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Annex E).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

NB Licensees who install CCTV at licensed premises are required to notify themselves as a data controller with the Information Commissioner's Office (ICO).

Please note that any CCTV installed must comply with the ICO CCTV Code of Practice. They can be contacted via the website: www.ico.gov.uk

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open

containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo driving licences, student cards and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports.

It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address **irresponsible** drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the licensing authority to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

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

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

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

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

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

Conditions relating to public safety (including fire safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Annex F. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

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

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through: www.streetartsnetwork.org.uk/pages/publications.htm
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1

The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

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

Disabled people

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

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

Escape routes

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

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

- all exits doors are easily to open without the use of a key, card, code or similar means;
- doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors);
- fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

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

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

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

- hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- temporary decorations are not used without prior notification to the licensing authority/fire authority.

Accommodation limits

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

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

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

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

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

- the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

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

- the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

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

- access for emergency vehicles is kept clear and free from obstruction.

First aid

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

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

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

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

Temporary electrical installations

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

- temporary electrical wiring and distribution systems are not provided without [notification to the licensing authority at least ten days before commencement of the work] [prior inspection by a suitable qualified electrician];

- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

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

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special effects

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

Specials effects which should be considered include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;

- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

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Annex F

Theatres, cinemas, concert halls and similar places (promotion of public safety)

In addition to the points made in Annex E, there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises used for closely seated audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 -1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and sitting in gangways etc.

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to-
- (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

- dry ice machines and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] fire authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for film exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(d) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(e) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to the prevention of public nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

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

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

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

- noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;

- prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

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

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

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

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

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Conditions relating to the protection of children from harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- Similarly, types of event or activities which give rise to a more acute need for age restrictions than normal, for example;
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Age restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- a condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U – Universal. Suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children.
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.
- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained."

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Annex F).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

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

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

Children in performances

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

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.

- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Annex D in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system (see paragraph 12.8 of the Guidance) which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Annex J

The Safer Clubbing Checklist for club owners, managers and event promoters

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

Key activities of club owners, managers and event promoters include:

- Communicating all safety requirements clearly to performers ensuring that they are familiar with and understand the safety requirements for the venue
- Developing a constructive working relationship with licensing authority officers and police officers with licensing responsibilities
- Developing a venue drug policy in consultation with licensing and police officers
- Ensuring that all staff are aware of their responsibilities within the drug policy and that they receive training and support to discharge these fully
- Employing door supervisors from a reputable company and with SIA accreditation
- Employing experienced and fully trained first aiders
- Providing free and easily accessible supplies of cold water and ensuring the provision of water is supervised to prevent contamination of water by others
- Liaising with appropriate drug service personnel to provide training to staff, and information, advice and support to clubbers
- Considering inviting and supporting drug outreach work, including integrating outreach workers into the staff team
- Sharing intelligence on drug use and drug dealing with police officers and other local venues
- Informing clubbers of their rights and responsibilities, and encouraging feedback on safety issues
- Considering the provision of safe transport home
- Ensuring that all staff are aware of the law and the responsibilities of the club to work within it

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
Wellington Town Council	No comments to make on revised proposals, but commented on how much the Town Council approved the policy.	
Ross Biagini (Central Square nightclub) Premises Licence holder	<p>Concerns in general about the Licensing Act 2003 that can only be addressed by central Government.</p> <ul style="list-style-type: none"> ▪ Requested pubs to have a terminal hour of midnight and clubs no later than 3am. ▪ Requested that if bars stay open until midnight that should have door staff and be limited as to capacity. ▪ Requested that supermarkets and off licences should not be able to sell alcohol between 23.00 – 11.00hrs, ▪ Wanted discounted sales of alcohol to be reviewed. <p>Wanted all this to be applied throughout the Telford and Wrekin area.</p>	<ul style="list-style-type: none"> ▪ Comments were ones that cannot be addressed by the Council as licences must be granted as applied for unless representation are received. In addition, the Licensing Authority must be satisfied at a hearing that the conditions are necessary to promote one or more of the four licensing objectives. ▪ No such standard conditions or policies as requested by the Consultee can lawfully be implemented under the Licensing Act 2003. ▪ Written to consultee to clarify and explain the situation.

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
<p>Dr Martin Rawlings British Beer & Pub Association</p>	<p>The BBPA welcomed the Council’s generally positive approach to licensing and was grateful for consideration of their comments to the first consultation.</p> <p>A) 3.1 Section on good practice, advised that some of their guides have been discontinued and asked that the following be removed from the list:</p> <ul style="list-style-type: none"> ▪ Sensible drinking ▪ Responsible drinking messages ▪ Social responsibility standards for the production & sale of alcohol ▪ Pass scheme <p>Requested that we add a section stating: “The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment entitled “Managing Safety in Bars, Clubs and Pubs. This along with information on responsible drinking and the proof of age standards scheme (PASS) can be downloaded or accessed from our website at www.beerandpub.com”</p>	<p>A) The recommended sections relating to 3.1 have been amended and added.</p> <p>B) Removed section 16.3 & 16.4 in preference for the following: All enforcement carried out by the Licensing Authority supports the Government’s better regulation agenda and is based on the recommendations in the Hampton Report.</p> <p>It was felt that there was no need for this statement of Licensing Policy to comment further on enforcement as this is covered separately by a Telford & Wrekin Licensing Enforcement Policy and would be duplication.</p> <p>C) Section amended to clarify this point at page 25 of the Policy (marked in red).</p>

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
<p>Dr Martin Rawlings (British Beer & Pub Association).</p>	<p>B) Recommended removal of section 16.3 & 4</p> <p>“The enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. For example, an isolated administrative offence such as failing to maintain a record may be dealt with by means of a written warning.</p> <p>More serious offences which may jeopardise public safety or where less serious offences are committed over a period of time will result in the matter being referred for prosecution. “</p> <p>C) Section on Licensing Objectives</p> <ul style="list-style-type: none">- Suggested that it be made clear that the suggestions under each objective were items to be considered rather than compulsory.	

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
<p>Mark Greaves Senior Environmental Maintenance Officer Telford & Wrekin Council</p>	<ul style="list-style-type: none"> ▪ Wanted litter collection responsibilities for licensed premises. ▪ For litter bins to be provided & emptied regularly ▪ For cigarette extinguishing plates and bins to be provided. ▪ Thought to be given on the impact of licensed premises on the surrounding environment. 	<p>The collection of litter and the problems associated with litter from licensed premises can be addressed under the prevention of public nuisance objective.</p> <p>However, unless an applicant volunteers such conditions, or a representation is received and the conditions added at a hearing, if deemed a necessary measure, then they cannot be added by the licensing authority.</p> <p>If a particular premises is creating a problem with litter, an interested party or responsible authority can call a review so long as it relates to one or more of the licensing objectives.</p> <p>In addition, the Environmental Protection Act 1990 brought in tougher powers to address the issues of litter.</p>
<p>Mrs Linda Kirby Parish Administrator All Saints – Wellington The Parish Office 11-13 Whitchurch Rd Wellington TF1 3DS</p>	<ul style="list-style-type: none"> ▪ Requested clarification on what had been revised in the policy. 	<ul style="list-style-type: none"> ▪ Sent copy of policy with revisions marked in blue. ▪ No further response received.

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
<p>Paul Homersley Police Licensing Officer Wellington Police Station, Wellington</p>	<p>a) Stated that he had not heard of the Safer Nights or Telford & Wrekin Bar code schemes.</p> <p>b) Reference made to the possibility of a discretionary code of conditions that Councils could impose as a result of the Policing and Crime Bill.</p> <p>c) Page 21 (c) - would like this section rephrased to use the precise terminology of Section 4[2] [a] of the Act in reference to representations to a temporary event notice.</p>	<p>a) Referred Mr Homersley to the Safer & Stronger Communities website details.</p> <p>b) This matter has been debated in the House of Lords and on the 17.10.09 it was reported that a Home Office Spokesperson had advised this would be replaced:</p> <p><i>‘The locally applied conditions in the mandatory code will be replaced by new, tougher powers for local councillors and licensing officers, making it quicker and easier for them to tackle problem premises by calling for a review to restrict or remove their licence without having to wait for the police or local residents to complain.’</i></p> <p>Given that nothing concrete has been determined, this policy does not reflect any changes that have not become law. At any such time as the law changes then due consideration to any amendments, if necessary, will be made at that time.</p> <p>c) The section has been amended as requested so that the word disorder is not used, as this is misleading. Replaced with:</p> <p>“It should be noted that the police are the only body who may make representations to a temporary event notice, and can only do so, if to allow the event would undermine the Crime prevention Objective.”</p>

Statement of Licensing Policy - Consideration of responses (Oct 2009)

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
<p>Mr Narendra Prabhlal Sitpura Unit 1B,Gatcombe Way, Priorslee, Telford</p> <p>Premises licence holder</p>	<p>No comments</p>	<p>No action required</p>
<p>Mr Abdul Khalique 69 Market Street Oakengates Telford</p> <p>Premises Licence holder</p>	<p>No comments</p>	<p>No action required</p>
<p>Major Derek Lance High Ercall Village Hall Management Committee 15 Shirlowe Lane High Ercall</p>	<p>No comments</p>	<p>No action required</p>
<p>Mr Wu Peking House 8 Baddesley Court, Newport Premises Licence Holder</p>	<p>No comments</p>	<p>No action required</p>

Statement of Licensing Policy - Consideration of responses (Oct 2009)

Appendix D

Name of respondent	Summary of response	Officer comments & recommendations
Bekir Ozcan 39 High Street Newport Premises Licence Holder	No comments	No action required
Mrs J Bhatia 5 Cotswold Drive Randlay Telford	No comments	No action required
Mr Jagdish Singh Jangha 30 Brockwood Copse Telford	No comments	No action required

Portfolio	Adult and Consumer Care
Business Unit	Regulation and Resilience
Service Area	Licensing

Statement of Licensing Policy – Licensing Act 2003 – Consultation

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
- 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.

Chief Constable for West Mercia Police
 Police Licensing Officer for Telford and Wrekin area
 Shropshire Fire and Rescue Service
 Licensed Victuallers Association
 Business Development Centre Manager for small businesses
 Transforming Telford
 Shropshire Chamber and Business Link
 Wellington Chamber of Commerce
 Telford and Wrekin Council Members

In addition the Licensing Authority Consulted with

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum (Via Tina Jones)

- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- 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

- 35 Licensed Club Premises in Telford and Wrekin
- 585 Licensed Premises
- 984 Personal Licence holders

- Alcohol Concern
- Alcohol Education and Research Council
- Association of British Theatre Technicians
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- CAMRA
- Civic Trust
- Cleaner Safer Greener Communities
- Committee of Registered Clubs Association
- Drinkaware Trust
- Equity
- Federation of Licensed Victuallers Associations
- Guild of Master Victuallers
- Lap Dancing Association
- Musicians Union – Midlands Regional office
- National Federation of Retail Newsagents
- National Operatic and Dramatic Association
- National Pubwatch
- Night Magazine
- Noctis UK (Was the Bar Entertainment and Dance Association)
- Morning Advertiser Magazine
- The Publican Magazine
- Small Business Federation
- Telford Citizen's Advice Bureau
- ACRE – Actions with Communities in Rural England (Village Halls etc)
- Wine and Spirit Trade Association
- Working Mens Club and Institute Union

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Telford Housing Associations:

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Bromford Carinthia
- Hanover Housing Association
- Housing 21
- Robert Moore Housing Trust
- Stay Supported Housing
- The Beth Johnson Housing Group
- Wrekin Housing Trust

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd

- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Training providers for personal and premises licence holders:

- Bridges Marketing
- Shropshire County Training
- ABV Training

Community Organisations:

- Place of worship and cultural information for the Sikh religion.
- 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
- 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

Schools

All schools in Telford and Wrekin area

Libraries – all in Telford & Wrekin area

Transport policy and management – Telford and Wrekin Council

Telford Travel link

Youth Offending Services Telford and Wrekin Council

Nigel Houlston **Trading Standards and Civil
Resilience Manager**

**Trading Standards
Darby House
PO Box 212
Telford, TF3 4LB**

Email: licensing@telford.gov.uk
Or: Mena.gosling@telford.gov.uk

Contact: Mena Gosling

Telephone: 01952 383267

Fax: 01952 381993

Your Ref:

Our Ref:

Date: 25 June 2009

Dear Sir/Madam

Re: Licensing Act 2003 - Statement of Licensing Policy - Consultation

Telford and Wrekin Council is consulting on the Statement of Licensing Policy issued under the Licensing Act 2003.

I write to inform you that further to initial consultation last year, the Licensing Act 2003 Statement of Licensing Policy has been revised. The consultation on the revisions commences on Monday 29th June 2009.

You are invited to submit any comments you have in relation to the policy on the enclosed response form **by 5:00pm on Monday 14th September 2009.**

The current statement of Licensing Policy is available on the Council's website at www.telford.gov.uk . Comments can also be made in respect of the proposed policy by e-mailing 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

**Mena Gosling
Licensing Technical Officer
Licensing – Regulation and Resilience**

6 5 3
20 06 09

CONSULTATION RESPONSE FORM

LICENSING ACT 2003

1. Name:	
2. Address:	
E-mail:	
3. If replying on behalf of an Organisation or Association, please insert details and address:	
4. If you have any comments about the proposed Statement of Licensing Policy, please provide them below (Continue on a separate sheet, if necessary)	

Please return this form to: Licensing Operations Manager, Telford & Wrekin Council, PO Box 212, Darby House, Lawn Central, Telford. TF3 4LE or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on Monday 14th September 2009**
Any responses will normally be made available to the public.





MONITORING FORM

(Amended in 2005 further to the Disability Discrimination Act 1995)

We would like to measure the effectiveness of this consultation, but to do so will need to collect information on people who submit responses.

It would assist us if you would please complete the details below and return the form to us with your consultation response.

Some of the information you give on this form may be considered sensitive personal data under the Data Protection legislation and by completing and returning this monitoring form, you will be deemed to be giving your explicit consent to the processing of the data for Equality Monitoring purposes.

Please complete in **BLOCK CAPITALS**

FULL NAMES

(including first name(s) and surname/family name)

PREVIOUS NAME

PREFERRED TITLE If other please specify:

DATE OF BIRTH

PLEASE TICK RELEVANT BOX

AGE: 16-18 19-35 36-49 50-59 60-65 over 65

GENDER: Male Female

ETHNIC ORIGIN:

Asian or Asian British	Black or Black British	Mixed	White
Indian <input type="checkbox"/>	Caribbean <input type="checkbox"/>	White & Black Caribbean <input type="checkbox"/>	British <input type="checkbox"/>
Pakistani <input type="checkbox"/>	African <input type="checkbox"/>	White & Black African <input type="checkbox"/>	Irish <input type="checkbox"/>
Bangladeshi <input type="checkbox"/>	Any other black <input type="checkbox"/>	White & Asian <input type="checkbox"/>	Any Other white <input type="checkbox"/>
Any other Asian <input type="checkbox"/>	background	Any other mixed <input type="checkbox"/>	background
background		background	

Other Ethnic Groups

Chinese

DISABILITY:

The Disability Discrimination Act, 1995 defines a person with a disability as someone who has "a physical or mental impairment which has a substantial and adverse, long term effect on his or her ability to carry out normal day-to-day activities".

Under this definition do you consider yourself to have a disability?

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.

Punjabi

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۔ براہ مہربانی کسی انگریزی بولنے والے شخص سے درج ذیل نمبر پر رابطہ کرنے کے لئے کہیں۔

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۔ براہ مہربانی کسی انگریزی بولنے والے شخص سے درج ذیل 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。

Polish

Jeśli masz trudności z przeczytaniem tego dokumentu, możemy go dostarczyć w formacie, który będzie dla Ciebie łatwiejszy do odczytania. Aby go otrzymać, poproś znajomego, który mówi po angielsku, aby zadzwonił na poniższy numer:



TELFORD & WREKIN COUNCIL

**LICENSING COMMITTEE – 18TH NOVEMBER 2009
COUNCIL – 28TH JANUARY 2010**

REVIEW OF GAMBLING ACT 2005 – STATEMENT OF LICENSING PRINCIPLES

REPORT OF: BUSINESS MANAGER - PUBLIC PROTECTION: ADULTS AND COMMUNITY WELL BEING

1. Purpose

- 1.1 Following consultation, to present for approval a revised Statement of Principles for the Borough of Telford & Wrekin under the Gambling Act 2005.

2. Recommendations

That Council is recommended to approve a revised Statement of Licensing Principles for the Gambling Act 2005, to take effect from 31st January 2010 for the Borough of Telford & Wrekin.

3. Summary

- 3.1 The current Statement of Licensing Policy for the Gambling Act 2005 was written in 2006 and came into effect in January 2007. Such policy statements have to be reviewed every three years as a statutory requirement. This is the first review of the Telford & Wrekin Statement of Licensing Policy since it came into effect in 2007.
- 3.2 The first Statement of Licensing Policy issued by this Licensing Authority, came into effect on 31st January 2007. The revised Statement of Licensing Policy now referred to as a Statement of Principles and subject of this report, will need to be approved by Full Council and published on 3rd January 2010 to take effect from 31st January 2010.

4. Previous Minutes

- 4.1 LC-16 – Tuesday 30th June 2009

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 was written in 2006 and came into effect in January 2007. The first review is now due, with the revised statement of principles to come into effect on 31st January 2010.

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 Principles has been prepared in the light of three years' experience and interpretation of the current policy which was written before the Gambling Act 2005 came into effect. As the Act was a completely new piece of legislation, this policy revision has also been informed by legal interpretation.

5.1.4 The Gambling Commission has also produced updated guidance twice since the original Statement of Principles was agreed. This new Statement of Principles takes account the amendments to their Guidance made by the Gambling Commission to date.

5.1.5 The Licensing Authority at Telford & Wrekin Council has received thirty applications for premises licences since the implementation of the Act. There have been no representations made to any applications submitted to the Council to date.

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.

5.1.7 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.

5.1.8 Of the thirty premises licences issued by the Licensing Authority, twenty seven are currently in force. These are in the following categories:

Betting shops (other than track)	18
Adult Gaming Centres	7
Bingo Halls	2

Since the implementation of the Act, one Family Entertainment Centre Premises Licence has been surrendered and one Betting Premises Licence (other than a track) has been revoked by the Licensing Authority.

5.1.9 In terms of consultation, this review was carried out in accordance with the Cabinet Office Code of Practice over a 12 week period from 21st July 2009, responsible authorities are named under section 157 Gambling Act 2005 and Interested Parties are defined under section 158 of the Act as:

- Persons living close to the premise
- Persons with business interests that could be affected
- Persons representing those in the above categories.

5.1.10 The representatives of holders of existing licences, registered clubs and those who represent businesses, residents and community groups in the Borough have also been consulted. The revised Statement of Principles has also been made available at Council Offices and local libraries and a copy has also been posted on the Council's website similarly inviting representations. A full list of those consulted as part of the review of the Statement of Principles is listed at **Appendix A**, and the letter to consultees, response form and monitoring form are attached to this report at **Appendix B**.

5.1.11 **The revised Statement of Licensing Policy has taken account of representations made by the consultees.** Three responses were received in total. The table of responses is attached at **Appendix C** to illustrate conscientious consideration of the responses as per R v Devon County Council Ex parte Baker (1995) 1 All ER 73 and R v North & East Devon Health Authority Ex Parte Coughlan (2000) 2WLR 622, which laid down the basic requirements of consultation.

5.1.12 The revised Statement of Principles for consideration and approval is attached to this Report at **Appendix D**. The previous Statement of Policy is attached at **Appendix E**.

5.2 Equal Opportunities

5.2.1 Equalities Impact Assessments have been carried out both pre and post consultation. Monitoring forms have been completed and collated so that the Licensing Authority is aware of the customer equality base

profile and can prove that no one group is disproportionately affected by the policy

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 were approached or had 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.

5.3 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 prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during that period.

- 5.4.2 The current statement of licensing principles came into effect in January 2007. The first review is now due to enable the revised statement of principles to come into effect in January 2010.

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to the shared Vision of the Council and Telford & Wrekin Partnership for the community we serve which is that of a successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin. The Statement of Principles aims to assist licence holders in delivering their businesses without it being detrimental to the people who live in our community and therefore has links to the following community priorities :

- Maintaining a High Quality, Attractive and Sustainable Environment
- Giving Children & Young People the Best Possible Start in their lives
- Strengthening the Local Economy & the Skills of Local People
- Promoting Healthy Communities and Improving the Quality of Life of Vulnerable and Older People
- Creating a Safe, Strong and Cohesive Communities

- An Efficient, Effective and Customer-Focused Council that delivers Value-For-Money for the Community
- It links to Transforming Telford & Wrekin through the development of leisure and cultural facilities and the revitalising of the Borough's towns.

5.6 Financial Comment

5.6.1 There are no financial implications arising from the revision of the statement. The service will continue to be delivered from within existing resources.

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 2010 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (3rd 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 (3rd 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: Licensing – Darby House. Tel: 01952 383260

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- Statement of Principles - Consultation

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

I write to inform you that the consultation commences on Tuesday 21 July 2009. You are invited to submit any comments you have in relation to the policy on the enclosed response form **by 5:00pm on Tuesday 13th October 2009.**

I enclose a response form and a monitoring form to be completed if you wish to comment on the changes.

The revised Statement of Principles is available on the Council's website at www.telford.gov.uk
Comments can also be made by e-mailing consultationlicensing@telford.gov.uk.

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 ਮਸ਼ੂਮ ਪੜ੍ਹਣ 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 ਅੰਗਰੇਜ਼ੀ 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

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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。

Polish

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- 01952 383268

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

Yours faithfully



Licensing Officer

Proforma Response Form

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES CONSULTATION
RESPONSE FORM

1	Name:	
2	Address:	
	E-mail:	
3	If replying on behalf of an Organisation or Association, please insert details and address:	
4	If you have any comments about the proposed Statement of Principles, please provide them below (Continue on a separate sheet, if necessary)	

Please return this form to : Licensing Operations Manager, Telford & Wrekin Council, PO Box 212, Darby House, Lawn Central, Telford. TF3 4LE
or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on Tuesday 13th October 2009.** Any responses will normally be made available to the public.



Monitoring Form



Telford & Wrekin
C O U N C I L

Monitoring Form (Amended 2005 further to the Disability Discrimination Act 1995)

We would like to measure the effectiveness of this consultation, but to do so will need to collect information on people who submit responses.

It would assist us if you would please complete the details below and return the form to us with your consultation response.

Some of the information you give on this form may be considered sensitive personal data under the Data Protection legislation and by completing and returning this monitoring form, you will be deemed to be giving your explicit consent to the processing of the data for Equality Monitoring purposes.

Please complete in BLOCK CAPITALS

FULL NAMES

(including first name(s) and surname/family name)

PREVIOUS NAME

PREFERRED TITLE If other please specify:

DATE OF BIRTH

PLEASE TICK RELEVANT BOX

AGE: 16-18 19-35 36-49 50-59 60-65 over 65

GENDER: Male Female

ETHNIC ORIGIN:

Asian or Asian British

Indian

Pakistani

Bangladeshi

Any other Asian background

Black or Black British

Caribbean

African

Any other black background

Mixed

White & Black Caribbean

White & Black African

White & Asian

Any other mixed background

White

British

Irish

Any Other white background

Other Ethnic Groups

Chinese

Disability:

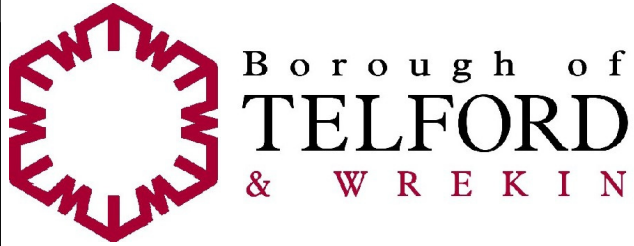
The Disability Discrimination Act, 1995 defines a person with a disability as someone who has "a physical or mental impairment which has a substantial and adverse, long term effect on his or her ability to carry out normal day-to-day activities".

Under this definition do you consider yourself to have a disability?

Appendix C: Table of responses from consultation

Consultee/respondent	Paragraph referred to	Summary of consultation response	Comments, clarification, responses	Action taken on policy re-draft
<p>Siam Cottage – 6a Tontine Hill Ironbridge, Telford. TF8 7AL</p> <p>info@thesiamcottage.co.uk</p>	N/A	Felt that the Gambling Act was wrong and that the government should take further action.	Comments were unspecific as to actions required, and likely to relate to Central Government and be out of the control of this authority.	No action taken
<p>Helen Jones Nuffield Health Club Forge Retail Park Telford TF3 4AG</p>	N/A	No Comments	No Comments	No action taken
<p>Philip Gardner 25 Cowey Bury View Broseley Shropshire TF12 5AX</p> <p>philipgardner@yahoo.co.uk</p>	N/A	Felt all seemed straight forward and self-explanatory for their requirements.	No proposals made	No action taken

Appendix D: Revised Statement of Principles
Appendix E: Current Statement of Policy



Borough of Telford & Wrekin

Gambling Act 2005

Statement of Licensing Policy

November 2006



2002-2003

Better Access and Mobility

2004-2005

Better Local Public Transport

Supporting People

1. Introduction

The Borough of Telford & Wrekin is situated in Shropshire and 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.

The Borough is a national population growth point. In September 2002, the Census highlighted Telford as the fastest growing area in the Midlands and this growth is expected to continue to rise from the current 160,576 by a further 22,000 over the next 20 years.

With the introduction of the Gambling Act 2005, the law relating to Gambling will change.

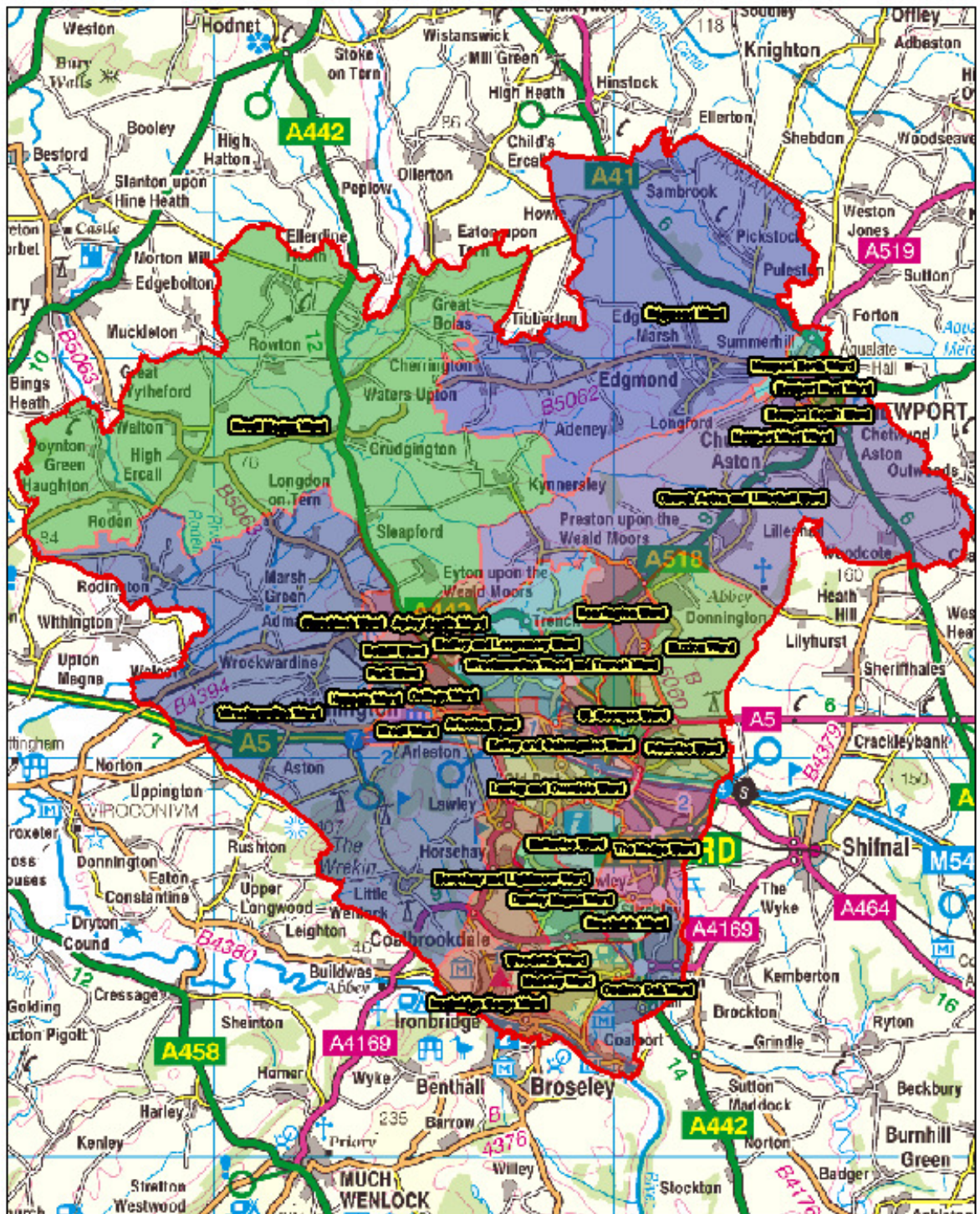
The Act provides for 3 categories of licence:

- Operating Licences
- Personal Licences
- Premises Licences

As part of this change, the Borough of Telford & Wrekin will assume responsibility for issuing licences for premises and other permissions for the Telford & Wrekin area. The Gambling Commission www.gamblingcommission.go.uk will be responsible for issuing operating and personal licences.

For the purposes of this Policy Statement, the Borough of Telford & Wrekin will be referred to as the Licensing Authority.

The area of the Borough of Telford and Wrekin is shown in the map below.



 <p>BOURGH OF TELFORD & WREKIN Telford & Wrekin Council PO Box 100 Wrekin, Shropshire TF9 1AA Tel: 01827 830000 Fax: 01827 830001</p>	<p>Title: Borough of Telford and Wrekin Wards</p>	<p>Scale: 1:123,241 Drawing No:</p>	<p>Date: Apr 2006 Drawn By:</p>  <p><small>Map produced by the Borough of Telford and Wrekin. All rights reserved. No part of this publication may be reproduced without the prior written permission of the Borough of Telford and Wrekin.</small></p>
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 Licence No. 100019694. Date. 2005

2. 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 s. 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.”

3. Declaration

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

4. Consultation

The Borough of Telford & Wrekin as the Licensing Authority is required by the Gambling Act 2005 to publish a Statement of the Principles which it proposes to apply when exercising its 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 then be re-published.

The Licensing Authority has consulted widely on the draft statement of Gambling Policy including holding open meetings with those involved locally in gambling businesses. At the conclusion of the process due consideration was given to the views expressed during the consultation. A list of the persons the Licensing Authority consulted with is provided below.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appeared to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area
- One or more persons who appeared to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Gambling Act 2005

List of persons this Licensing Authority consulted with:

- Responsible Authorities as defined by s.157 Gambling Act 2005.
- Association of British Bookmakers.
- BACTA.
- Gamcare.
- Samaritans.
- Citizens Advice Bureau.
- All premises licence holders under the Licensing Act 2003 in the Licensing Authority area.
- Existing Licence and Permit holders under the Gaming Act 1968 in 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.

Consultation took place between 1st June and 31st August 2006. The Licensing Authority has followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The Statement of Licensing Policy will take effect on 31st January 2007 and will remain in force for a period of 3 years when it will be subject to review.

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

5. Statement of Principles

(i) General

The Licensing Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, public houses, clubs and amusement arcades.

In carrying out its licensing functions the Licensing Authority will have regard to any guidance issued by the Gambling Commission from time to time and relevant issues under Human Rights Act, 1998.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with West Mercia Constabulary, the Gambling Commission and, where appropriate, other Responsible Authorities.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent underage gambling.

Subject to the provisions of Paragraph 6 (iii) below, the Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm.

Applicants seeking premises licences are encouraged to propose any conditions, prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The Licensing Authority will not have regard to the expected demand for gambling premises that are the subject of an application.

However, the overriding principle is that each application and the circumstances prevailing at each premise will be considered on its individual merits.

(ii) Responsible Authorities

In accordance with s.157(h) of the Act and the Guidance issued by the Gambling Commission for Licensing Authorities to designate a body which is competent to advise on the protection of children from harm, this Licensing Authority has designated the Safeguarding Children's Board. The remit of the Safeguarding Children's Board is the protection of children from harm. The Licensing Authority has had a significant professional relationship with this body, particularly as a Responsible Authority under the Licensing Act 2003, and believes the Safeguarding Children's Board to be the appropriate organisation to advise in respect of the licensing objective of the protection of children from harm and any exploitation by gambling.

Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard, the Licensing Authority will not take into account representations which are deemed to be irrelevant.

Each representation will, however, be considered on its merits.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available on the website for the Borough of Telford & Wrekin at www.telford.gov.uk.

(iii) Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined at s.158 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 Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. This Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

In determining whether someone lives sufficiently close to particular premises so as to be affected the Licensing Authority will take into account, among other things:

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

In determining whether a person has a business interest, which could be affected, the Licensing Authority will consider, among other things :

- The size of the premises
- The catchment area of the premises
- Whether the person making the representation has business interests in the catchment area that might be affected.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation. This is because it does not relate to the licensing objectives and instead relates to demand or competition.

The Licensing Authority may, in certain circumstances consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether it raises a relevant issue or not
- Whether it raises issues specifically to do with the premises which are the subject of the application

Interested parties can be represented by other persons such as Councillors and MPs, etc. Care should be taken when approaching Councillors that they are not members of the Licensing Committee dealing with the licence. If there are any doubts then contact Democratic Services, Borough of Telford & Wrekin, PO Box 215, Civic Offices, Telford TF3 4LF.

Other than persons who are democratically elected, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting representation is sufficient.

(iv) Exchange of Information

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

(v) Enforcement

The Licensing Authority will carry out enforcement in accordance with the Gambling Commission's Guidance to Licensing Authorities and as per the Gambling Commission Guidance to Local Authorities, it will endeavour to be:

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

In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. In addition to the above principles, the Licensing Authority will at all times carry out its enforcement role in accordance with the Borough of Telford & Wrekin's Licensing Enforcement Policy which can be viewed on the Borough website at www.telford.gov.uk.

Relevant issues under the Human Rights Act 1998 will be considered in any enforcement action taken by the Licensing Authority.

Powers of Entry to premises and the prosecution of offences under the 2005 Act will be delegated to Officers of the Licensing Authority.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Any concerns about the manufacture, supply or repair of gambling machines will not be dealt with by the Licensing Authority, but will be notified to the Gambling Commission.

6. Licensing Objectives

(i) Prevent Gambling from being a Source of Crime and Disorder

The Gambling Commission will play a leading role in prevent gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Licensing Authority for a premises licence must hold an Operating Licence from the Gambling Commission before a Premises Licence can be issued. The Licensing Authority will, therefore, not determine the suitability of an applicant. Where concerns about a person's suitability arise, the Licensing Authority will bring those concerns to the attention of the Gambling Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific control need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

Regulatory issues rising from the prevention of disorder are likely to focus on premises licensing, rather than on operating licences. If there are persistent or serious disorder problems that an operator could or should do more to prevent, the Licensing Authority will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence.

The Licensing Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity, which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if Police assistance was required to deal with it. Another factor the Licensing Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Licensing Authority will give due weight to any comments made by the Police.

(ii) Ensuring Gambling is conducted in a Fair and Open Way.

The Gambling Commission does not expect Licensing Authorities to get involved with ensuring that gambling is conducted in a fair and open way. This will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. The Gambling Commission through the operating and personal licensing regime can address both issues.

(iii) Protecting Children and other Vulnerable People from harm from Gambling

Apart from one or two limited exceptions, the intention of the 2005 Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

This may include requirements such as supervision of entrances; segregation of gambling from areas frequented by children and supervision of gaming machines in non-adult gambling specific premises such as pubs and clubs.

There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

It should be noted that Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming, but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- Casinos cannot admit anyone under 18 and Regional Casinos will not be allowed to permit under 18s into the gambling area.
- Betting Shops cannot admit anyone under 18.
- Bingo Clubs may admit those under 18 but must have policies to ensure that they do not gamble, except on Category D machines.
- Adult Entertainment Centres cannot admit those under 18.

- Family Entertainment Centres and premises with a liquor licence (i.e. pubs) can admit under 18s, but they cannot play machines other than Category D machines.
- Horse and Dog Tracks can admit under 18s and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on Category D machines.

The term “vulnerable persons” is not defined under the 2005 Act. However, this Licensing Authority will rely upon the definition of vulnerable adult identified in the Multi-Agency Protection Policy and Procedure for Shropshire County Council and the Borough of Telford & Wrekin (Revised Edition. 25th June 2003) as follows : ‘a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’.

The Licensing Authority will treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

7. Main functions of the Licensing Authority

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

8. Premises Licences

A premises licence can authorise the provision of facilities at the following :

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State.

The Licensing Authority will 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
- Is reasonably consistent with the licensing objectives and
- In accordance with the Licensing Authority's Statement of Licensing Policy

The Licensing Authority will consider very carefully whether applications for premises located very close to a school, or a centre for vulnerable adults should be granted in light of the third licensing objective. This does not override the Licensing Authority's policy that each case will be decided on its merits and will depend on the type of gambling that it is being proposed will be offered on the premises.

Where the Licensing Authority has concerns about the use of premises for gambling these will generally be addressed through Licence Conditions. Any conditions attached to licences by this Authority will be proportionate to the circumstances which the Licensing Authority is seeking to address and will ensure that the premises licence conditions are:

- 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.

Examples of some conditions, which are likely to be attached in certain circumstances, include those relating to opening hours, age limits or keeping children and young persons away from gaming machines.

The Licensing Authority will not attach conditions to premises licences which :

- make it impossible for the premises to comply with an Operating Licence condition
- relate to gaming machine categories, numbers or method of operation
- specify that membership of a club or other body is required
- relate to stakes, fees, winnings or prizes.

Premises can be 'any place' but the 2005 Act prevents more than one premises licence applying to any one place. A single building could be subject to more

than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.

When considering applications for premises licences, the Licensing Authority will not take into consideration either the expected 'demand' for facilities or planning or building permissions.

The Licensing Authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no Casino Resolution'. See section on Casinos below).

Issues concerning Planning or Building Consents should be dealt with under relevant planning control and building regulation powers and do not form part of the consideration for the premises licence.

The Licensing Authority will listen to and consider carefully any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Interested Parties or Responsible Authorities can make requests to the Licensing Authority for a review of a Premises Licence. However, it is for the Licensing Authority to decide whether the review is to be carried out. It will consider 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
- Is reasonably consistent with the licensing objectives and
- In accordance with the Licensing Authority's Statement of Licensing Policy.

If the Licensing Authority finds that the request is frivolous or vexatious or the same as previous representations or requests for review, the Licensing Authority will not review the licence.

The Licensing Authority may also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

The Licensing Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Permits

(i) Unlicensed Family Entertainment Centre Gaming Machine Permits

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.

When considering an application for a permit, the relevant considerations which this Licensing Authority will take into account are:

- the Applicant's background, such as any convictions and issues relating to child protection matters, which may make them unsuitable to operate a Family Entertainment Centre. This may require the disclosure of criminal convictions.
- the suitability of the premises in relation to the location and issues about disorder.

The Licensing Authority notes that it can only grant or refuse an application for a permit but cannot add conditions.

The Licensing Authority, when considering applications for permits, will have due regard to any Gambling Commission Guidance.

(ii) (Alcohol) Licensed Premises Gaming Machine Permits

There is provision under s.282 of the 2005 Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority that they have the relevant machines.

As the Gambling Commission states in the Guidance to Licensing Authorities: "This is not an authorisation procedure – Licensing Authorities have no discretion to consider the notification or turn it down. The Licensing Authority can, however, remove the automatic authorisation in respect of any particular premises by making an Order under s. 284."

Section 284 provides for the Licensing Authority to make such an order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises which breaches a condition of s.282 – for example, the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of the gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

For more than 2 machines on an Alcohol Licensed Premises, s. 283 of the 2005 Act provides for Licensed Premises Gaming Machines Permits and refers to Schedule 13 which sets-out the process for application. The Licensing Authority

shall consider the application based upon the Licensing Objectives, any Guidance issued by the Gambling Commission and any other relevant matters.

Under Paragraph 4(2) Schedule 13 of the 2005 Act, 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. No other conditions can be attached to a permit.

It should also be noted that s.283 requires the holder of the permit to comply with any Code of Practice issued by the Gambling Commission under s.24 of the 2005 Act about the location and operation of the machine.

(iii) Prize Gaming Permits

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

When considering an application for a permit, relevant considerations, which this Licensing Authority will take into account, are :

- The Applicant's background, such as any convictions and issues relating to child protection matters, which may make them unsuitable to operate under a Prize Gaming Permit. This may require the disclosure of criminal convictions.
- The suitability of the premises in relation to their location and issues about disorder.

The Licensing Authority may not attach conditions to a Prize Gaming Permit. However, it should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply.

The Licensing Authority, when considering applications for permits, will have due regard to any Gambling Commission Guidance.

(iv) Club Gaming and Club Machine Permits

Members Clubs and Miners and Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit.

The legislation states that 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. 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.

10. Provisional Statements

The Licensing Authority notes that the Guidance for the Gambling Commission states that:

- An applicant cannot obtain a full premises licence until the premise in which it is proposed to offer the gambling is constructed. The Act allows an operator to apply for a provisional statement if the building is not yet complete, needs alteration, or he does not yet have a right to occupy it.
- Once an operator has completed a building, the Licensing Authority will be able to consider a premises licence application for it.
- Requiring the building to be complete ensures that the Licensing or the Local Authority can inspect it fully, as can other Responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements.

Under the Gambling Act 2005, if a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises is made subsequently in relation to the same premises. 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 Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances."

Section 210 of the 2005 Act provides that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

11. Other Matters

(i) Adult Gaming Centres (AGCs)

Persons operating an AGC must hold a Gaming Machines General Operating Licence from the Commission and must seek a Premises Licences from the Licensing Authority. They will be able to make Category B, C and D Gaming Machines available to their Customers.

No-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will wish to have particular regard to the location of entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

(ii) Licensed Family Entertainment Centres

Licensed Family Entertainment Centres (FECs) will require a premises licence issued by the Licensing Authority. FECs will be able to provide Category C and D machines but with the requirement that children will not be permitted to play on Category C machines and that there must be clear segregation between the two types of machine so that children do not have access to the Category C machines.

The Licensing Authority will have the discretion to attach certain conditions to a premises licence for a Licensed Family Entertainment Centre. In addition, there will be conditions that will be automatically attached to the licence.

(iii) Tracks

A Track is a site where races (including horse racecourses and dog tracks) or other sporting events (such as football and cricket grounds) take place.

Track Operators are not required to hold an Operators Licence granted by the Gambling Commission. Instead, premises licences are issued by the Licensing Authority and are likely to contain requirements for premises licence holders about their responsibilities not only in relation to the proper conduct of betting but also the protection of children and other vulnerable persons in particular.

(iv) Casinos

The Licensing Authority has not passed a resolution in relation to the issue of casino licences under s.166 Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide to pass such a resolution, it will update this Statement of Licensing Policy accordingly.

(v) Bingo

The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Commercial Bingo Halls will require a Bingo Premises Licence from the Licensing Authority. In considering such applications, the Licensing Authority will consider the, among other things, the suitability and layout of bingo premises. A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold. Otherwise, a Bingo Operating Licence will need to be obtained from the Gambling Commission.

(vi) Betting Machines

The Licensing Authority may, in accordance with s.181 of the 2005 Act, restrict the number of betting machines, their nature and the circumstances in which

they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose such a condition to restrict the number of betting machines in particular premises, the Licensing Authority shall 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 persons.”

(vii) Temporary Use Notices

There are a number of statutory limits as regards Temporary Use Notices and application for the same. A set of premises may not be used for gambling under a temporary use notice for more than 21 days in any 12 month period. However, a set of premises may be the subject of more than one temporary use notice in a period of 12 months provided that the total number of days does not exceed 21.

(viii) Occasional Use Notices

Where there is betting on a track and betting is carried out on 8 days or less in a calendar year, betting may be permitted by an Occasional Use Notice. Persons taking the bets must have an appropriate Operating Licence.

(ix) Travelling Fairs

Where Category D machines and/or equal chance prize gaming without permits are made available for use at travelling fairs, the Licensing Authority will decide whether the statutory requirement is met in that the facilities for gambling amount to no more than an ancillary amusement at the fair.

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

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The 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.

(x) Small Society Lotteries

The Licensing Authority is responsible under the 2005 Act for the registration of small society lotteries in its area. These are non commercial lotteries with prescribed financial limits and are:

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

As part of the application for Registration, the Applicant will be required to inform the Licensing Authority for what purpose the Society is established.

The Authority will refuse applications for registration if it considers that:

- the applicant is not a non-commercial society
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

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.

12. The Licensing Process

The functions of the Licensing Authority under the 2005 Act will be carried out by the Licensing Committee, supported by Sub-Committees and Officers acting under the delegated authority of the Licensing Committee.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness Officers will for the most part, carry these out.

Where there are relevant representations in respect of an application, the matter will be determined by the Licensing Committee or a Licensing Sub-Committee as will any application for the review of a licence.

Summary of Licensing Authority Delegations permitted under the Gambling Act

Matter to be dealt with	Sub-committee of licensing committee	Officers
Application for Premises Licence	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence	Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application of a provisional statement	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for Reinstatement	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence	All Cases	
Application for club gaming/club machine	Where objections have been made and not withdrawn	Where no objections have been made/objections have been

permits		withdrawn
Cancellation of club gaming/club machine permits	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	

TELFORD & WREKIN COUNCIL

**ADDING HOUSEHOLD BATTERIES AND LOW ENERGY LIGHT BULBS
TO THE EXISTING KERBSIDE SERVICE**

CABINET: 24th NOVEMBER, 2009

REPORT OF THE HEAD OF PLANNING & TRANSPORT

1. PURPOSE

- 1.1 To seek approval to add household batteries and low energy light bulbs to the existing kerbside recycling service in line with the proposals contained within this report.

2. RECOMMENDATION

- 2.1 That Members approve the addition of household batteries and low energy light bulbs to the existing kerbside recycling service.**

3. PREVIOUS MINUTES

- 3.1 Council 11 December 2008 – Minute No. 59
3.2 Council 29 January 2009 – Minute No. 72

4. INFORMATION

CHANGES TO LEGISLATION – TAKE BACK SCHEME

- 4.1 The Waste Batteries and Accumulators Regulations 2009 came into force on 5th May 2009, with Section 4 portable batteries taking effect from 1st February 2010.
- 4.2 Manufacturers and importers of batteries will have to demonstrate that they are recycling a proportion of the amount of new batteries they place on the market each year. They will be able to meet their responsibilities by recycling themselves or funding compliance schemes operated by third parties which carry out the recycling on their behalf.

- 4.3 This means that the costs of recycling a proportion of household batteries will be absorbed by the manufacturers and importers of household batteries. This is already the case for low energy light bulbs.
- 4.4 An existing service is in place for the free collection and recycling of WEEE (Waste Electrical and Electronic Equipment) at the Community Recycling Centres through the compliance scheme run by the European Recycling Platform (ERP). It is proposed to amend this existing contract with ERP to include household batteries. Low energy light bulbs are already included within this contract as they are classified as WEEE.

ADDITION TO EXISTING KERBSIDE COLLECTION

- 4.5 It is proposed that household batteries and low energy light bulbs should be added to the existing dry recyclable kerbside collection. Waste and Resource Action Programme (WRAP) trials confirm that such kerbside collections are likely to generate the highest level of participation.
- 4.6 It is proposed that the household batteries and low energy light bulbs will be taken to the current bulking station by TWS along with the existing materials for recycling, and transferred daily to the Halesfield recycling centre for storage until collection by our current reprocessor.
- 4.7 The collection of household batteries from domestic properties can only be undertaken legally if the batteries, which are hazardous waste, are kept separate from the rest of the waste being carried until the vehicle is unloaded. It is therefore proposed that underslung cages be fitted to the kerbside collection vehicles for this purpose.

RECEPTACLES FOR THE COLLECTION OF BATTERIES

- 4.8 Household batteries and low energy light bulbs will be gathered in separate bags labelled with the WRAP symbols by the householder and then placed into their existing red box for recycling.

ESTIMATED TONNAGES

- 4.9 Based on WRAP trials it is estimated the Council would collect around 536,000 batteries per year from the kerbside which is equivalent to approximately 13.4 tonnes per year. As no trials have taken place for low energy light bulbs a tonnage calculation is not possible at this stage.

START DATE

- 4.10 It is proposed that changes take effect from March 2010 when the Government regulations are in force and kerbside vehicles are being replaced.

5. BENEFITS AND RISKS

BENEFITS

- 5.1 The potential benefits include:
- All household batteries can be safely and easily recycled;
 - Recycling household batteries and low energy light bulbs will help to protect the environment by reducing the amount going directly to landfill;
 - Recycled household batteries can be used to make new batteries, products or materials;
 - According to WRAP nine out of ten people would recycle their batteries if there were a kerbside battery collection scheme in their area;
 - The average household uses 21 batteries a year, all of which could be recycled;
 - From September 2009 incandescent light bulbs are being phased out following the EU Directive on Energy Using Products. Low energy light bulbs will be the most widespread alternative, therefore it is important that there are opportunities for recycling.

RISKS

- 5.2 The contractor has indicated that his staff will not require further training to handle these hazardous materials.

6. LEGAL IMPLICATIONS

- 6.1 The Council must ensure that waste is collected in accordance with statutory provisions and therefore ensure that waste batteries (which are classed as hazardous waste) are collected separately from normal household waste. The Council has a contract for the collection of recyclable materials from the kerbside and household batteries and low energy light bulbs will be added to the existing contract by agreement of the parties.
- 6.2 The existing WEEE contract is due to be retendered from June 2010, at which time the collection of batteries will be included in the specification. The existing contract will be amended by agreement of the parties for the period from March 2010 to June 2010.

7. FINANCIAL IMPLICATIONS

7.1 Cost of proposals:

Description	Nature of Cost	Cost
Alterations to kerbside vehicles – addition of under-slung cages to 8 vehicles* ¹	One off	£4,000-6,000
Recycling bags for each resident (2 per household until ERP contract is re-tendered)	One off	£5,000
Total one off costs - met from existing resources		£9,000-£11,000
Transport from bulking station to Halesfield Recycling Centre	Ongoing	£5,500
Landfill Savings based on 13.4 tonnes extrapolated from WRAP research * ²	Ongoing	(£1,000) circa and increasing
Recycling savings via producer responsibility (2008/2009 actual costs)	Ongoing	(£5,000)
Annual revenue impact		(£500) saving

*¹ A range of costs is provided since retro fitting to the existing fleet would be higher than fitting to new vehicles when they are built.

*² This annual saving will increase each year as landfill costs (gate fee + tax) increase and could reasonably be expected to cover any increases in the cost of transport to the Halesfield Recycling Centre.

- 7.2 There will be no additional costs for kerbside collection with TWS as this is a partnership arrangement. When the WEEE contract is re-tendered in June 2010, the successful contractor will have to provide collection bags to each household. Therefore, there would be no further cost for additional/replacement bags.
- 7.3 The £9,000 -£11,000 one-off costs of this project would be met from existing resources and the net impact on revenue, assuming 13.4 tonnes is redirected from landfill, would be £500 per annum saving.
- 7.4 This arrangement would bring the process of recycling batteries in line with low energy light bulbs and WEEE, which is already collected from the CRCs and the cost borne by the manufacturers' compliance schemes.

8. WARD IMPLICATIONS

- 8.1 The improvements to the service will benefit all wards as access to household battery recycling would be made available to all residents.

9. EQUALITIES INFORMATION

- 9.1 A full equalities impact assessment has been undertaken in respect of the Recycling Services. It has identified that some services only provided at either Community Recycling Centre sites or at bring banks exclude those who do not have access to transport or who have mobility issues. The service change proposed in this report would provide those in the above groups with access to a household battery recycling service.

Report prepared by Molly Hooper, Waste Initiatives Officer, on 01952 384216

Useful Links to other documents

The Waste Batteries & Accumulators Regulations 2009 – Government Guidance Notes

<http://www.berr.gov.uk/files/file51268.pdf>

The Hazardous Waste Regulations (England and Wales) 2005

<http://www.opsi.gov.uk/si/si2005/20050894.htm>

The Hazardous Waste Regulations (England and Wales) (Amendment) 2009

http://www.opsi.gov.uk/si/si2009/uksi_20090507_en_1

Household Battery Collection Trials April 2005 – March 2008

http://www.wrap.org.uk/downloads/Batteries_report_-_final.5f6bccd3.6153.pdf

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 2 September, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore, V.A. Fletcher (substitute for Cllr. R.G. Chaplin), J.A. Francis, H. Rhodes, M.J. Smith and K.L. Tomlinson (substitute for Cllr. G.M. Green)

ALSO PRESENT: Councillor A.A. Meredith (on behalf of Councillor A. Stanton for planning application W2009/0376) and Councillor C.F. Smith (for planning application W2009/0424)

PB-29 MINUTES

RESOLVED – that the minutes of the Plans Board held on 12 August, 2009 be confirmed and signed by the Chairman.

PB-30 APOLOGIES FOR ABSENCE

Councillors R.G. Chaplin, G.M. Green and F.R. Picken

PB-31 DECLARATIONS OF INTEREST

None.

PB-32 PLANNING APPLICATIONS FOR DETERMINATION

- (a) W2009/0376 – Land Between 16 Longford Road and 1 Farm Grove, Newport, Shropshire

This application sought full planning permission for the erection of a bungalow with accommodation in the roof, associated access, parking and garden land on a small plot of land between No.16 Longford Road and No.1 Farm Grove. The site was formerly garden land to No.16 Longford Road but had been sold into separate ownership and was now entirely enclosed by timber boundary fencing with substantial hedge/tree planting to Farm Grove. Councillor Adam Stanton and Newport Town Council had both requested that the application be determined by the Plans Board.

In order to address the constraints of the site, the proposal was for the erection of a bungalow at the rear of the site with a footprint measuring 7.2m. by 6.1m., height to eaves 2.5m. and 6.2m. to ridge. The accommodation would consist of two bedrooms, one at ground floor and a larger bedroom at first floor, with a small lounge and kitchen. The frontage would be mainly driveway with parking and turning space together with an amenity area with screen fencing to provide some privacy to the occupants.

The principle of residential development on the site had been accepted with the granting of outline planning permission (W2006/0831) for a single
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bungalow with a larger footprint positioned over the culvert that crosses the site and in line with adjoining properties, subject to agreement by the Council's Drainage Engineer of a submitted scheme for a build-over solution or diversion of a culvert which ran through the site. However, the applicant had now advised that he could not get a build-over agreement and it was considered that a diversion would not resolve the issues. The Drainage Engineer had no objection to the current development proposal subject to a condition being imposed stating that no structure should be allowed within 3m of the culvert and that the hard standing should not be built over in the future. The applicant also needed to be made aware that this was a Greenfield site and that, should they wish to connect the surface water to the culvert, it would be necessary to attenuate flows coming off the site. Given the size restriction on the site, the applicant needed to have demonstrated that this was viable at the planning application stage and not as a condition.

A number of pre-application sketches had been submitted but these had not been deemed acceptable due to the location, design and height of the dwelling and the applicant had, therefore, been advised that the development would be unlikely to receive full planning permission. Whilst it was accepted that the position of the culvert did somewhat constrain the development, it was not considered that this proposal provided a suitable solution.

The layout of the development, with the dwelling located at the rear of the site and the garden area to the frontage, together with the design and scale of the dwelling, was considered to be out of keeping with the character and appearance of the adjoining bungalows in the area and, therefore, contrary to national and local planning policies which asserted that a development should relate positively to its context with a design that improved the character and quality of an area. In addition, the first floor accommodation would not relate to the adjoining bungalows and its small footprint, due to the narrowing of the site, would not reflect the size of the adjacent detached and semi-detached bungalows.

Given its proposed location at the rear of the site and first floor accommodation, the proposed bungalow would have a dominant and overbearing effect on the adjoining properties and affect the outlook from existing rear elevations and overlook rear gardens and properties. In particular, the private rear garden area of No.16 Longford Road would be only approximately 5m. away and would suffer a significant loss of privacy. Whilst there was no window indicated on the rear elevation at first floor level or rooflights, due to the layout of the first floor accommodation future occupants might require additional light and the position of these would be likely to overlook other properties at the rear.

It was further considered that, given the proposed position of the dwelling with a principal window to the ground floor bedroom on the rear elevation, there would be an unsatisfactory distance of approximately 2m. between the window and the boundary treatment leading to limited light and outlook to this habitable room. In addition, as the proposed amenity space would be located at the front of the dwelling, in contrast to the layout of the established

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properties on the estate, there would be no private amenity area and its location could introduce garden paraphernalia which, whilst not subject to planning control, would further detract from the character of the surrounding area.

The Council's Highways Engineer had no objection in principle but had requested conditions be imposed on any permission to stipulate that there should be no gates to the driveway and that, prior to the development being brought into use, the access driveway should be surfaced in a bound material for a minimum distance of 5m. from the rear of the highway boundary. The Fire Authority had advised that it would be necessary to provide adequate access for emergency vehicles.

Newport Town Council had strong reservations about the application, as it considered that the proposed dwelling was not in keeping with existing development in the vicinity, had a history of retaining water and its proximity to the culvert on the site. Thirty-six letters of objection had been received from neighbours, as summarised in the report. Members were informed by an update tabled at the meeting that a further letter of objection had been received citing the adverse impact of the development on wildlife.

In conclusion, it was considered that the proposal failed to respect or enhance the character and appearance of the existing residential area contrary to Policies CS6 and CS15 of the Core Strategy, UD2 and H6 of the Wrekin Local Plan and national guidance, as it would be of a significantly different scale, design and layout to the existing single storey properties and would not follow the building line.

Councillor A.A. Meredith was invited to address the Board on behalf of Councillor A. Stanton (Ward Member) and spoke in support of the officer recommendation and for local residents. He said that the addition of a two storey property on such a tiny site would be inappropriate in the middle of an area of high quality bungalows. The residents on both sides of the application site were elderly and retired and were concerned that, if approved, the property would disturb the birdlife in their gardens.

Members of the Board considered that the proposal, if approved, would be detrimental to the street scene by being out of proportion with the existing bungalows. In addition, neighbouring properties would be overlooked in an unacceptable manner.

RESOLVED – that planning application W2009/0376 be refused for the following reasons:

- (a) It was considered that the proposed bungalow with first floor accommodation was unacceptable by virtue of the footprint, height, design and siting, located in an area characterised by bungalows fronting the highway with rear garden areas situated along a distinctive building line. The proposed development would be constrained and would appear as a cramped form of**

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development at the rear of the narrowing plot, which would be out of keeping with the prevailing character of the area. Thus the proposal would be contrary to Policies CS6 and CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin Local Plan 1995–2006, and national guidance contained in PPS1 and PPS3;

- (b) The Local Planning Authority considered that the development by reason of its siting, height and proposed first floor accommodation, and the prevailing character of development, would have a detrimental effect on the amenities of the adjoining bungalows in Longford Road and Farm Grove in terms of overlooking, loss of privacy, loss of light and outlook. Accordingly, the development was contrary to Policy CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin Local Plan 1995 – 2006, and national guidance in PPS1 and PPS3;**
- (c) The proposal by virtue of its siting, the narrowing nature of the site and proximity to existing boundary treatments would have an adverse impact on the residential amenities of the proposed dwelling in terms of light, outlook and lack of private amenity area. Therefore the proposal would be contrary to national guidance contained in PPS1 and PPS3.**

(Democratic Services Officer note: Councillor K.L. Tomlinson having arrived at 6.15 p.m. did not take part in the voting on the above application.)

- (b) W2009/0424 – 88b Hire Station, Trench Road, Trench, Telford, Shropshire**

The applicant sought planning permission to change the use of an existing building from a tool and plant hire business (A1 use class) to car sales with a workshop/car preparation bay to the rear on a site on a classified road on a main bus route in a mixed residential and commercial area and directly opposite the existing site of the applicants' Fiat garage and showroom. The change of use would involve the relocation of staff from the existing car showroom for sales and valeting purposes. Councillor C.F. Smith, as Ward Councillor, had requested that this application be considered by the Plans Board.

The existing modern brick building with a metal roof consisted mainly of a workshop area with showroom and storage areas and ancillary facilities. The frontage comprised a showroom window together with small windows and double doors with further access points on the side and rear elevations. Rooflights were located on both planes of the roof with an existing flue to the heating unit. The building was set back from the road with an area of hardstanding to the front and had security bollards located in front of the main entrance points and a yard to the side enclosed by a wall and metal gates. Under the proposal it would be altered to incorporate a showroom and

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workshop area, with windows added and cladding to the fascia which would be of a form and appearance similar to the existing ones. Whilst the alterations would alter the scale and design of the building, they would not detract from the character or appearance of the existing development or have an unduly harmful impact on the adjoining residential amenities.

The proposal would allow the applicants to relocate their Suzuki vehicles, which were currently accommodated at the Fiat garage opposite, onto a separate site and so meet the necessary minimum standards to retain both franchises. They had advised that there would be no additional business or deliveries above the current approximately two transporter deliveries a week. Servicing of the vehicles would take place on the main Fiat garage site and valeting within the application site would only be on Suzuki vehicles for sale. The proposal would not, therefore, expand the business or increase traffic, but would improve the existing arrangements to display Suzuki products.

Four letters of objections had been received from neighbouring residents in Trench Road together with a petition with six signatures from residents in Trench Road and Springfield Road, as summarised in the report. However, Members noted that the tool hire business would have been able to increase its activities with little control over the number/frequency of deliveries of machinery, etc. The current permitted hours of operation enabled the business to operate from 8.00 a.m. Monday to Saturday, until 6.00 p.m. on weekdays and 5.00 p.m. on Saturdays, which could cause noise and disturbance. This application, therefore, offered an opportunity to control activities and deliveries on the site, together with more restrictive hours of working.

Whilst there was limited parking on the application site, the car sales site opposite had a large parking area to the rear for customers and staff and the main valeting and servicing of vehicles would be undertaken on that site. The workshop and jet wash facility, indicated on the plans to be at the rear of the building, could potentially create noise adjacent to rear gardens but the hours of operation could be strictly controlled by conditions with no opening on Sundays. The Council's Highways Engineer, following discussions with the applicants had agreed a limit of six vehicles for display and two customer parking spaces. In presenting the report the Planning Officer sought approval to make minor amendments to conditions 3, 4 and 6 relating to these issues.

Councillor C.F. Smith, the Ward Member, was invited to address the Board and said that he did not oppose the application but had taken a neutral position in meetings between the applicants and the local residents. The local residents had been concerned that the proposed changes would make the building too high but had been assured that only the front fascia height would be increased. Concern had also been expressed at the hours of operation as there was no limit on the current tool hire business and the site was noisy on a Saturday afternoon when tools were returned. Whilst concerns had also been expressed regarding the use of the jet wash, the applicants had assured him and the residents that this would only be used for cleaning cars for sale and new ones. However, he requested that an appropriate condition be

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attached to any approval to ensure that this was adhered to. The number of vehicles for sale, the number of customer parking places and the proposed hours of opening were acceptable and he was pleased to see the amendment to Condition no. 4 restricting the deliveries by transporter to no more than two per week.

Members were pleased to note the way in which the applicants had sought to work with local residents. However, Councillor V.A. Fletcher expressed concern at the possible problems that could be caused by there being more customers than there were available parking spaces and from the use of the jet wash, particularly with regard to the waste water drainage. In response the Planning Officer said that a condition could be placed on any approval to require the applicant to submit details of the disposal of the waste water. With regard to parking, it would be permissible for more than two customer vehicles to park on the site and on-road, which could not be controlled but, if there were more, the applicant's site on the opposite side of the road had sufficient parking space. Councillors V.A. Fletcher and N.A. Dugmore also raised a concern as to the provision of parking spaces for disabled drivers and it was agreed that a condition should be added to the planning permission requiring the applicant to submit details that clearly identified the customer car parking spaces and those for disabled drivers.

RESOLVED – that with respect to planning application W2009/0424 planning permission be granted subject to:

- (i) **the conditions, as set out in the report, with Conditions 3, 4 and 6 being amended, as shown in italics as follows;**
 - (a) **Condition 3: to read 'Maximum of 6 vehicles to be displayed *for sale* on forecourt area at any one time;**
 - (b) **Condition 4: to read '*no more than 2 deliveries by transporters a week*);**
 - (c) **Condition 6: to read 'Hours of preparation/valeting/*jetwashing* of vehicles limited to Mon – Fri 8.30am – 5.30pm, Sat 8.30am – 1pm. No such operations to take place on Sundays or Bank Holidays;**
- (ii) **and subject to additional conditions requiring the submission of satisfactory details relating to the disposal of waste water from the jet wash and to the submission of clearly identified customer car parking spaces included those for disabled drivers.**

Informative

No vehicles for sale to be parked or displayed on highway.

- (c) W2009/0523 – 12 The Parade, Donnington, Telford, Shropshire

This application related to a change of use of a shop unit from retail (A1) use to a mixed use of café (A3) and hot food takeaway (A5), with home delivery service located in a designated District Centres. The shop was one in a
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crescent of twelve units, all with residential flats above. Two of the units were A5 (hot food takeaway) uses and there was a car parking area in front of the crescent.

This shop unit had been vacant for eighteen months before the applicant opened it in January 2009 but using only a very small area for retail purposes. Planning permission had been granted in June 2009 (W2009/0329) for use as a café for 12-14 people but the applicant now wished to have a mixed café and takeaway use, with a home delivery service.

Policy S22 of the Wrekin Local Plan stated that proposals for any change from retail to non-retail use within Donnington District Centre would only be acceptable if it was demonstrated that it had not been possible to find a user for the premises following a period of continuous marketing of not less than twelve months. The Council's Property & Design Section, as owners of the property, had confirmed that it had been unable to find a tenant during the eighteen month period leading up to January 2009.

It was, therefore, considered that there appeared to be little demand for additional retail outlets in this shopping centre and it was considered that a more viable non-retail use might assist in bringing more customers into the District Centre and that the proposed change of use would not cause any demonstrable harm to the retail character of The Parade or in any way adversely threaten the vitality and viability of the Shopping Centre. However, should the application be approved, no further hot food takeaways should be allowed in The Parade as there would then be a definite imbalance in the relationship between retail and non-retail uses.

The Council's Environmental Health Officer had confirmed that the proposed fume extraction system was acceptable but had requested that conditions imposed to ensure that it was installed before the proposed uses commenced, and that no vibration, noise, odours and smells were detectable at any time in the flats above the shop unit. The applicant wished to close at 10.30 p.m., which was an hour earlier than the stipulated closure time of the two other hot food takeaway outlets in The Parade.

Four letters of objection had been received from local residents together with a petition signed by 365 people, as set out in the report. The Parish Council had raised no objections to the application. Officers considered that the additional takeaway element would not adversely affect the residential amenities currently enjoyed by the occupiers of residential properties in the vicinity of the site through the generation of any appreciable increase in noise, smells, traffic, or other factors.

Councillor V.A. Fletcher raised a number of concerns relating to the layout of the premises but the Planning Officer explained that control of these was the responsibility of the Environmental Health Officer, who had raised no objections. However, she agreed that a condition could be imposed on the approval limiting the service of hot food and takeaways to an identified area within the public area of the café. The Board supported the recommendation

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for approval as they considered it preferable that the premises be used rather than left empty.

RESOLVED – that with respect to planning application W2009/0523 planning permission be granted subject to the conditions as set out in the report and subject to an additional condition limiting the serving of hot food and takeaways to an identified area of the café and to the noise mitigation of any fume extraction system prior to the commencement of the approved use.

- (d) W2009/0593 - Lilleshall County Primary School, Church Road, Lilleshall, Shropshire

This application by Telford & Wrekin Council related to the erection of an external covered play canopy located to the rear of the main school building and an entrance canopy at the front entrance door, which would project one metre. The proposed canopies would feature a curved roof design with polycarbonate glazing and would not exceed the height of the single storey elements of the school building to which they would be attached. Neither canopy would have a significant impact on amenities.

RESOLVED – that with respect to planning application W2009/0593 planning permission be granted subject to the conditions as set out in the report.

- (e) W2009/0594 – St. Matthew’s Church of England Primary School, Church Road, Donnington, Telford, Shropshire

This application by Telford & Wrekin Council requested planning permission to create a hard play area on an existing playing field, 29m by 20m, with a footpath link to the existing playground. St Matthew’s Church and a community centre were located adjacent to the application site.

The Council’s Drainage Engineer had stated that porous tarmac should be used for the play area and that conditions should be imposed regarding the submission of details on the discharge of the surface water drainage and to details of the additional land that would offset the development. The Geotechnical Engineer had requested additional information to establish whether the site was on a slope and would require earthworks at the foot of the spoil mound to ensure its stability together with a report on the number of mineshafts within site, which had not been received by the date of the meeting. The Council’s Environmental Planning Assistant had advised that, given the site’s location it had the potential to support protected species such as slow worms and an informative should be included stating that, if protected species were encountered during the works, the development must be halted and advice sought from a qualified ecologist/ Natural England.

Sport England had submitted an objection on the grounds of there being an unjustified loss of playing field as no detailed justification had been included with the application. This had now been submitted, as set out in the report,

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and forwarded to Sport England for further comment. An update tabled at the meeting informed the Board that the applicant's agent had submitted further information to demonstrate that the proposed site of the hard play area was the most suitable location for the development and would not lead to a loss of useable playing field as the area would not constitute a playing pitch of a necessary size and the topography made the site unsuitable for use as a formal pitch. The proposal would, however, create a level and well-drained playing surface and could be used for games/sport development when grassed areas were deemed unusable. It would also provide improved facilities to enable people with disabilities to take part in activities on a more solid and accessible surface.

Sport England had assessed this information and considered that, due to the constraints of the site and the fact that it was not currently used as a playing pitch and that the proposed hard play area could be used for games/sport development, the proposed development had the potential to be of sufficient benefit to sport to outweigh any harm caused by the loss of the grassed playing field area. Consequently, Sport England withdrew its objection to the proposal.

As the central area of the school grounds nearest to the main school building mainly comprised hard play areas, a tarmac pedestrian link from St Matthew's Road and a number of structures, it was considered that the proposal would relate to the prevailing use and would not result in a loss of the main playing field/pitch, as this would remain unaffected at the south of the site. The hard play area would be located within the site and constructed in tarmac matching existing areas at the school, in accordance with local urban design policies. It would be visible but not overly prominent from the adjacent public footpaths, with grassed areas surrounding the development and retention of existing screening.

RESOLVED – that with respect to planning application W2009/0594 planning permission be granted subject to the conditions as set out in the report.

- (f) W2009/0621 – Ladygrove Primary School, Old Office Road, Dawley, Telford, Shropshire

This application by Telford & Wrekin Council sought permission to extend the area of hard play space in order to replace that which would be lost during the extension of the school building. The proposed hardstanding would be to the south-east of the school building and would have multi-use sports markings.

The site was located within land designated as 'Green Network' in the Wrekin Local Plan but its use for children's play facilities was compatible with its long term aims of providing community and recreational facilities. In addition to having no adverse affect on the function of the Green Network, the proposal would provide educational benefits for a site of no ecological, geological or archaeological importance.

The proposed area of hardstanding was of a relatively small scale and would
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not dominate the property or the surrounding area and, being a modest addition on the edge of the existing hard play area, it would be in keeping with the character and appearance of the surrounding area. The majority of the large school site comprised playing field and, therefore, the proposal would not lead to a detrimental loss of green space. The nearest residential properties were located some 40m. away and benefited from substantial screening, therefore, the proposal would not have any detrimental impact on their amenities.

The Council's Drainage Engineers had raised no objections to the proposal subject to a condition stating that details should be provided regarding mitigation methods for the additional water runoff.

RESOLVED – that with respect to planning application W2009/0621 planning permission be granted subject to the conditions as set out in the report.

PB-33 SITE VISITS

The Chairman informed Members that an application relating to redevelopment of the Civic Centre was scheduled to be considered at the next meeting of the Board on 23 September 2009 and recommended that a site visit be agreed at this meeting. Members were in agreement and noted that, if the application was not included on the agenda for the 23 September meeting, the site visit would not take place.

RESOLVED – that with regard to the planning application for the redevelopment of amendments to the entrance to Wellington Civic Centre Market scheduled to be submitted to the Plans Board on 23 September, 2009 a site visit should take place at 4.30 p.m. on that day.

PB-34 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.46 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Thursday, 15 October, 2009 at 6.00 p.m. in the Civic Offices, Telford

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.G. Chaplin, E.A. Clare (substitute for Councillor F.R. Picken) N.A. Dugmore (Chairman for planning application W2009/0326), J.A. Francis, G.M. Green, H. Rhodes and C.F. Smith (substitute for Councillor M.J. Smith)

ALSO PRESENT: Councillor A. Lawrence (for planning application W2009/0009)

PB-44 MINUTES

RESOLVED - that the minutes of the meeting of the Plans Board held on 23 September, 2009 be confirmed and signed by the Chairman.

PB-45 APOLOGIES FOR ABSENCE

Councillors F.R. Picken and M.J. Smith

PB-46 DECLARATIONS OF INTEREST

Councillor I.T.W. Fletcher having declared a personal interest in planning application W2009/0326, as he had previously discussed the application as a member of Hollinswood & Randlay Parish Council, indicated that he would, therefore, vacate the Chair and leave the room during determination thereof.

PB-47 PLANNING APPLICATIONS FOR DETERMINATION

(a) W2006/0608 – Land off Church Walk, Donnington, Telford, Shropshire

This requested the Board to agree to a variation of the Section 106 Agreement in respect of planning permission W2006/0608 for 18 dwellings, as approved by the Board on 9th August 2006. Planning permissions W2007/1441 and W2007/0968 had, subsequently, increased the overall number of units to 24 but with no change to the Section 106 Agreement, which still applied to only 18 units.

The majority of dwellings were now nearing completion but, with the downturn in the economy, the reduction in land values, a reduction in both open market and affordable housing values, the higher build costs of a modern high specification design development and unforeseen groundwork problems, the developer had advised that the scheme was no longer viable and work on the site had been halted earlier in the year. The developer had now requested assistance in the form of a reduction in the number of affordable housing units to enable the development to break even. The Section 106 Agreement had required 38% affordable housing, which equated to 6.8 affordable units, but the developer now wished to reduce this to 4 affordable units (22%). Cost sheets had been provided to show the financial position that would result from

reducing the affordable units to 4, 5 or 6. Officers wished to point out that none of the Section 106 monies owing to the Council had yet been paid, although the developer had advised that these would be paid upfront with indexation, but the Council could pursue these monies through legal means, if necessary.

Officers considered that completion of the site would help to secure the delivery of all the approved units and both local residents and the area as a whole would benefit from a finished development rather than a boarded up, unfinished site. Whilst, it could appear that the developer had benefited from the additional 6 units, which were not subject to affordable housing requirements, and from non-payment of the Section 106 monies, he had advised that, whilst the larger units would have commanded more money, their subdivision, the increased costs of fitting out and the down turn in the market had meant that the scheme was at risk of making a loss.

In view of these exceptional circumstances, it was recommended that a reduction in the number of affordable units from 6/7 to 4 would not be unreasonable. However, in order to restrict this situation, the reduction in the affordable housing provision would be time limited and only applied to reflect the current circumstances. If the economy improved before the development was finished, the affordable provision would then revert back to 38% and the Section 106 would reflect this by requiring the development to be completed by a specified time. The developer had advised that the Wrekin Housing Trust were interested in taking the affordable units and that practical completion of the site was likely to be the end of April, 2010.

Members regretted the proposed reduction in the affordable provision but agreed that it was necessary for the site to be completed. The Head of Planning & Environment emphasised that this was a situation currently facing many other councils and the developer had put forward a valid argument for the reduction. He confirmed that the units to be sold to the Wrekin Housing Trust would be at a lower price than the market price, which would be an additional cost to the developer. However, the time limit for completion would act as an incentive for the development to be finished.

RESOLVED – that with respect to planning application W2006/0608 the Section 106 Agreement be amended to allow the percentage of affordable housing to be reduced to 22% but, that if the development was not completed by 30th April 2010, then the affordable housing provision reverted back to 38%.

(b) W2007/1732 – Capewell Works, Sommerfeld Road, Trench, Telford, Shropshire

This was an outline planning application for the erection of up to 350 detached, semi detached, terraced houses and some blocks of flats on approximately 7.45ha of a 9.4ha site. Of the remainder 0.75ha would be open space and approximately 1.45ha retained woodland. The buildings would predominantly be of two storeys with some three storey units and the indicative layout suggested blocks of housing linked with estate roads, all from

the existing single access point off Sommerfeld Road. The residential density across the site, excluding the woodland area, would be approximately 43 per hectare.

Following submission of the application, the applicant had requested that the application be for “up to 350” dwellings due to a change in the housing market which had had a greater effect upon flats than other sectors and that flexibility in the application description would support the attractiveness of the site to house builders and encourage early implementation. In recognising officer concerns about a lower density development, a minimum density of 30 dwellings per hectare could be conditioned.

The site was vacant industrial land which had now been cleared of buildings. It was unallocated employment land and represented a large brownfield “windfall” housing development of over 1 hectare. The site had no local plan designations but the woodland part of the site, designated as Green Network on the Wrekin Local Plan proposals map, would be retained and not built over. The site was heavily contaminated from previous industrial uses, which would require considerable remediation and there were some unique drainage issues due to the maze of pipes and chambers beneath the site for the abstraction of mine water and to feed Middle Pool, including a serpentine chamber that removed iron ochre from the water.

With regard to highways, Section 106 requirements had been agreed as £80,500 for improvements to the mini-roundabout at Trench Lock, £30,000 towards improvements and/or provision of cycleway in the vicinity of the site, and £30,000 for improvement of the pedestrian routes to school. In addition, the applicant had agreed to provide an on-site LEAP and a financial contribution of £100,000 towards improvements of the existing off-site play facilities at Wombridge. However, a contribution towards the upgrading of Hartshill Park had not been agreed.

A contribution towards a new primary school had initially been requested but, following a review of the school expansion programme, this had been revised to £1.6million for an extension to the Teague’s Bridge Primary School. Education had agreed that a Section 106 contribution of £4,500 per dwelling rather than a fixed total sum in order to reflect the fact that the final numbers of dwellings on the site could be less than 350.

The applicant had originally proposed provision of 30% affordable housing but had now stated that, given the current recession and downturn in the economy, it would no longer be economically viable for this be provided. The report dealt with this issue in full, including the advice of the Homes & Communities Agency on the need for local planning authorities to take a flexible approach in these circumstances as well as ensuring a developer’s commitment to delivery to prevent land being “banked” for implementation once the market had recovered. The lack of affordable housing was to be regretted, as it reduced the scope for mixed communities, which both the government and the Council encouraged. But in light of the current down-turn in the economy, the assessment of the applicant’s financial appraisal, the wide spread contamination across the site and the cost of remediation, it was

considered that these were exceptional circumstances. Officers had recommended that the applicant's S106 package of contributions be supported but, in order to prevent the developer from benefiting from a 'flexed' planning permission without any affordable housing provision should the market improve, with a shorter permission with work commencing on the site within two years. In so doing, the site would be remediated within the first year of receiving planning permission and then, following submission of reserved matters, development would commence within a further year. However, if after four years from commencement, the site had not been completed 30% affordable housing provision would apply to the remainder of unbuilt units unless a revised financial appraisal was submitted that demonstrated the affordable housing position. In order to secure this, a revised recommendation was read out by the Chairman at the meeting.

The report set out in detail the information and issues relating to the suitability of the site's location, the loss of unemployment land, affordable housing, drainage and flooding, highways, and leisure/recreation/green network issues.

Development of this site would bring a vacant and derelict industrial site into active use in an area that was undergoing change. Whilst the proposal would result in the loss of employment land, the site had not been allocated and had been marketed for employment with no success, and required extensive remediation. In addition, there was currently no shortage of employment land within Telford and refusal on the grounds of loss of employment land would be difficult to sustain.

Whilst the nearest corner of the site was within 400m. of a regular bus route, the majority of the site and its entrance were further away and more than 800m. from a District Centre. However, a LIDL supermarket lay closer than the District Centre and would provide some convenience shopping opportunities. Teague's Bridge Primary School was within easy walking distance of the site, and a regular bus route lay less than a 12 minutes' walk from the majority of the site. In light of the exceptional economic condition and the applicant's commitment to develop the site quickly, officers considered that, whilst the site's location was not ideal, there were other material considerations that would make a refusal less tenable.

The scheme would also retain woodland Green Network and create new open spaces on site and provide new footpath links through to the adjacent amenity area around the nearby Middle Pool and other footpath/cycle way links, thereby enhancing and improving recreational and amenity opportunities and facilities, as well as increasing their accessibility to a wider range of people, in line with the Council's aims.

Two letters of objection had been received, as summarised in the report and further comments from the Town Clerk of Oakengates, including a reference to the omission from the S106 Agreement of a contribution towards Hartshill Park, together with the officers' response, were tabled at the meeting. The update also summarised the points made in a letter from the applicant, which endorsed his commitment to delivering the completed site quickly,

Members expressed considerable concern at the applicant's decision to provide no affordable housing, particularly in view of the level of homelessness in the Borough as identified by a Scrutiny Review, the size of site and the number of dwellings proposed. In addition, Councillor C.F. Smith was concerned at the level of contamination on the site, given its previous industrial uses, and the need to ensure that appropriate safeguards were in place to control drainage from the site to the Trench pools. This was vital as the Trench Pool was one of the few sites in Shropshire which supported white clawed crayfish. Councillor H. Rhodes expressed concern at the potential effect of the development upon the Hadley Road together with her disappointment that no contribution had been forthcoming for Hartshill Park.

The Head of Planning & Environment responded that, whilst he appreciated the concerns raised by Members regarding the lack of affordable housing, as the Local Planning Authority, it was necessary to recognise the current economic conditions. Local authorities which had attempted to insist on affordable housing on developments that were not economically viable had been criticised and had their decisions over-ruled. The condition of each site seeking planning permission had to be considered on an individual basis and, as this site was very contaminated and would require much remediation work, its cost structure was very different from that of a site with no previous development. The developer's case for non-provision of affordable housing had undergone independent assessment and been found to be valid. The Council also had to deliver houses and this had to be balanced against the other issues. The applicant had committed to a shortened planning permission to bring about a quick delivery. With regard to the Section 106 contributions that had been agreed, these were significant and the provision of additional educational facilities would have had to be made if the application was approved and it was preferable that the developer paid for this rather than the other leisure facilities which had been requested. In conclusion approval of the application on the basis sought by the applicant would be consistent with national guidance.

RESOLVED - that with respect to planning application W2007/1732 delegated authority be granted to the Head of Planning & Environment to grant outline planning permission subject to:

- (i) the signing of a S106 agreement for a) £4,500 per dwelling for extensions to Teague's Bridge Primary School; b) £100,000 for improvements to nearby Wombridge play facility; c) £230 per dwelling for improvements to Trench Lock mini roundabout, d) £30,000 for improvements to the local cycleway network in the vicinity of the site, e) £30,000 for improvement of pedestrian routes to school, but with clauses in the S106 that there was no initial requirement for affordable housing provided that the development commenced on site within 2 years of the grant of outline permission and that the development had been completed within 4 years of the date of commencement, but in the event of the timescales for commencement or completion not being met then the requirement of 30% affordable housing would apply, unless the applicants submitted a financial appraisal to the Council, in a form to be agreed**

between the developer and the Council, that the Council would then assess on the basis of the information provided to determine what proportion of affordable housing if any was appropriate in respect of the dwellings which were still to be constructed. All dwellings already constructed would be discounted for the purpose of the calculation;

(ii) the conditions as set out in the report.

(c) W2009/0009 – The Shropshire Golf Centre, Muxton Lane, Muxton, Telford, Shropshire

This planning application was in respect of the demolition of dilapidated and redundant agricultural buildings and the erection of extensions and alterations. The proposal would comprise, firstly, 50 bedrooms for overnight accommodation in a two storey wing, with the third floor in the roof space, located on the west side of the existing complex parallel to Muxton Lane with a lift tower that would protrude above the roofline with a hipped clay-tiled roof to match that of the remainder of the new wing. Secondly, a health and fitness suite, in a two storey wing on the east side of the complex with a gymnasium on the first floor and changing rooms on the ground floor. Thirdly, a 15-metre long swimming pool, in a single storey building, would adjoin the health and fitness suite and, lastly, an extended restaurant, accommodating 110 seats, would be sited in a single storey building located in the middle of the complex of buildings

The applicants had stated that, as their existing businesses were now well developed, they wished to enhance the services offered by offering a modest amount of overnight accommodation and health and fitness facilities. The bedroom accommodation would mainly cater for visiting golfers and wedding guests at the weekend and users of the conference facilities during the week, whilst also being attractive to tourists during periods when Town Centre facilities were busy. Members of the Golf Club would be able to use any of the proposed facilities, with associate membership being required to use the health and fitness suite and the swimming pool.

The principle of providing overnight accommodation on this site had already been established by previous planning permissions, although the hotel elements of the permissions had never been implemented. The overnight accommodation block would replace redundant farm buildings and the health and fitness suite would be built on cleared land. Therefore, no development would take place on 'greenfield' land, the Golf Centre itself, and none would extend the complex into the open countryside.

As the site lay outside the urban area, a District Centre or an identified settlement, and was not allocated for development in the Wrekin Local Plan, the applicants had been required to undertake a sequential test of alternative hotel sites in order to comply with PPS6. This had concluded that there was an identified demand for hotel development on this site, it was of an appropriate scale, there were no suitable sites available in any other centre,

including Telford Town Centre; and it would not have an unacceptable impact on existing hotels elsewhere in the Telford area.

Twenty-three letters had been received from local residents, and the Parish Council, as summarised in the report, mostly raising concerns regarding road safety issues arising from the potential for increased vehicle usage. Vehicular access to the site would be from Muxton Lane to the north and from Granville Road to the south. A total of 243 car parking spaces would be available for the whole complex, as the current provision of 223 spaces had been recognised by the Highways Engineer to be an over-provision.

The proposed development was likely to increase the volume of traffic along Muxton Lane, as set out in the report. It was well used by local residents for a variety of recreational activities and was one of the main accesses to the Granville Country Park. Therefore, any excessive increase in traffic flows along its length would have a detrimental impact on the day-to-day leisure activities of a large number of people. The results of the Transport Assessment commissioned by the applicants, as detailed in the report, together with the Council's own on-site surveys had shown that 30% of visitors came by way of Muxton Lane and 70% came along Granville Road. Therefore, it had been estimated that, as a worse case scenario, there would be, on average, an additional 46 two-way vehicle trips on Muxton Lane daily, but there would likely be linked trips that would reduce this. Such a relatively small increase in vehicle trips along Muxton Lane was considered to be acceptable by the Council's Highways Engineer. However, he wished to encourage more vehicular journeys to the Golf Centre along Granville Road rather than Muxton Lane but, unfortunately, parts of Granville Road were in a poor condition, which was a deterrent to some drivers. The road, therefore, needed to be upgraded and improved and a schedule of works, to which the applicants had agreed to contribute £30,000, had been drawn up. These works would be undertaken before any of the new facilities were brought into use and should encourage more drivers to use Granville Road, thereby alleviating traffic flows on Muxton Lane.

The design of the new extensions would respect and relate to the appearance of the existing buildings on the site and would be reinforced by the use of matching external materials. The overall layout and design of the scheme would safeguard, and even enhance, the character and appearance of the existing site, and the immediate surrounding area as the removal of the dilapidated farm buildings would substantially improve the visual amenities of the locality. In conclusion, it was considered that the proposed development was acceptable.

Councillor A. Lawrence, Ward Member, was invited to address the Board on this application. He said that he agreed in principle with the application, which would result in improved facilities and jobs but he did have concerns regarding the increased use of Muxton Lane for access to and from the Golf Club. He tabled an aerial photograph of the Club which showed the link between the two car park areas and suggested that this be closed at an appropriate point to prevent the additional traffic that would be encouraged to enter by Granville

Road passing through the site and leaving by Muxton Lane and possible closure to Muxton Lane where it split with Granville Road.

Members agreed with this suggestion but queried whether the £30,000 contribution towards highway improvements would be sufficient. They further requested that access to the site by contractors and delivery vehicles be restricted, while allowing for appropriate access by emergency vehicles. It was, therefore, agreed that determination of the application be deferred to allow for negotiations with the Golf Club to take place with regard to the possible closure of the top end of Muxton Lane and closure between the upper and lower car parks and the imposition of conditions to control access by contractors and delivery vehicles.

RESOLVED – that determination of planning application W2009/0009 be deferred to allow for negotiations to be undertaken with the applicant regarding a possible restriction on the access to the site from Muxton Lane and between the upper and lower car parks and the imposition of conditions to control access by contractor and delivery vehicles.

(d) W2009/0115 – Telford College of Art & Technology, Haybridge Road, Wellington, Telford, Shropshire

This application sought full planning permission for the redevelopment of the Telford College of Arts & Technology (TCAT) for the demolition of the existing teaching blocks that “fronted” both Haybridge Road and Bennett’s Bank and the existing fire station; creation of new site access to the north of the present access and car parks; modification of the existing teaching blocks E & F; erection of a new four storey teaching block, engineering workshops, social and dining facilities and administration accommodation. In addition, the proposal included the replacement of the Fire Station, which would be incorporated into the new teaching block, and a separate training tower and hardstanding; cycle parking racks and spaces, covered motor-cycle parking, a compound for mini-coaches; two replacement football/sports pitches and a 3rd generation all weather pitch with spectator terracing for 150 spectators; and single storey horticultural building and gardens.

The proposal would provide a new access and create a central heart space to the campus and the demolition of Blocks A, B and C, together with the Learning Resource Centre and the existing refectory, would remove the older buildings that were either in poor repair, expensive to operate/maintain or were spread over the site and/or over different levels.

The building design would generally be four storeys in height with the main element comprising three interlinking blocks clad with modern materials including reconstituted terracotta and stone with reconstituted stone/concrete panels in cream and polyester coated aluminium panelling. Substantial elements of the buildings would be glazed. The principal building would comprise a full height central atrium providing the link between the two wing buildings and existing Block E, which would be retained. The new Fire Station would be located off Watling Street/Bennett’s Bank adjoining one of the football pitches with access from an existing road from Bennett’s Bank. The

application also proposed to develop significant areas of playing field, as set out in the report.

A number of technical reports had accompanied the application and a summary of the issues raised was set out in the report. With regards to highway issues, the applicants had been advised to re-assess the trip rates used and these had been assessed by Council consultants.

This proposal represented an investment of £57.5 million, which would provide high quality facilities for this education sector. However, given the present funding difficulties at national level and Government expenditure cuts, the applicants wished to proceed with the application while other avenues of financial support were explored. A valid planning permission would, therefore, enable the College to react quickly to changing funding priorities at the national level.

The design of the building complex would allow a single phase solution which could be constructed with minimal disruption to the education provision. It had been assessed under the Building Research Establishment's BREEAM criteria as TCAT wished to achieve BREEAM "Excellent". In addition, ecology, flood risk, land stability and on-site drainage including SUDS provision, were considered to have been dealt in an appropriate manner.

The update sheet tabled at the meeting, informed the Board that, following consultation with the Council's Highways Section, a Travel Plan would be necessary together with a financial contribution towards off-site highway infrastructure, i.e. a Toucan crossing. TCAT had allocated £15,400 per annum for three years and a Section 106 Agreement would be necessary to ensure that this money was ring fenced and spent, when necessary, in the delivery of the Travel Plan. In addition, a £60,000 contribution would be made towards a new TOUCAN crossing on Whitchurch Drive adjacent to the Haybridge Roundabout. As a result, a revised recommendation was tabled in the update.

With regard to the proposed new Fire Station, the update sheet informed Members that the Shropshire Fire & Rescue Service was still not in a position to submit an application relating to the temporary site required whilst the new Station was being built.

Members welcomed the application, which would benefit both the College and Wellington. However, concerns were expressed that the location of the temporary site for the Fire Station had not yet been agreed. The Head of Planning & Environment agreed that certainty was required and the Council's solicitor advised that an appropriate agreement should be in place between the relevant bodies

RESOLVED - that with respect to planning application W2009/0115 the Head of Planning & Environment be granted delegated authority to grant planning permission subject to:

- (i) the applicant entering into a Section 106 Agreement requiring, before commencement of any development on site, (i) the submission and prior approval in writing by the Council of an Outcomes Travel Plan together with written evidence that a minimum total sum of £46,200 plus index inflation had been set aside to achieve modal share targets as shall be specified in the Travel Plan; (ii) a contribution of £60,000 plus index inflation towards the provision of a toucan crossing on Whitchurch Drive; and for the first three years following the bringing into use of any part of the development the £46,200 plus index inflation shall be used to promote and achieve the specified modal share targets, and to the conditions as set out in the report;**
- (ii) agreement on the location of the temporary site for the Fire Station;**
- (iii) the conditions as set out in the report.**

(Councillor I.T.W. Fletcher having previously declared an interest in the following application left the room during determination thereof and Councillor N.A. Dugmore took the Chair).

- (e) W2009/0326 – Randlay Centre, Randlay Community Centre, Randlay, Telford, Shropshire

This was a full application which had resulted from a Council initiative to redevelop the existing Centre, row of shops, and Community Centre as detailed below. The scheme also involved various associated highway works (to be undertaken by the Council rather than the developer) included blocking up of the underpass from the Randlay Centre to Whitworth Avenue under Randlay Avenue, installation of a new signalised pedestrian crossing to replace the underpass, and footpath widening along Randlay Avenue. The decision to redevelop Randlay Centre and provide new and improved shops and a Community Centre accorded with Council policies to focus development and investment on a local centre, to enhance facilities for the benefit of the wider community and aid social inclusion.

The proposal comprised a number of separate elements to produce an overall redevelopment scheme, as follows.

- a) Retail block with flats above

The existing retail block required repair and, according to the applicant's consultation, the traders wished them to have greater visual prominence while avoiding features that would encourage anti-social behaviour. It was proposed to erect a new repositioned parade of three shop units with six flats above. To enable the existing units to continue trading while the redevelopment proceeded and to accommodate the nursing home, the new retail complex would be built adjacent to the existing shops, taking them closer to the road. This would necessitate blocking up the underpass, which would be compensated for by the installation of a new signalised pedestrian crossing on Randlay Avenue. Service vehicles and parking for the flats and the shop staff, 12 spaces in total, would be accessed off the existing service

road at the back of the existing shops. This area would also lead on to the gated servicing area to the rear of the proposed adjacent nursing home.

The design of the two storey retail building would be a traditional brick and tile construction. At ground floor level there would be two retail units and a hot food takeaway with six flats above, accessed from the rear via a communal entrance lobby, two of which had a small balcony over the rear flat roof. The repositioning of the shops would make them more visible and prominent to both the road and on entering the car park. This relocation, a more attractive design, and the introduction of residential flats above the shops, would enhance the visual appearance of the Centre. It would also bring more life and natural surveillance to the area, particularly after the shops had shut, so helping to lessen the opportunities for anti-social behaviour. The two retail units would be conditioned to be retail Class A1, which would require planning permission to change to other uses in order to help retain the Centre's retail facilities and avoid a proliferation of hot food takeaways, which could encourage anti-social behaviour.

b) Community Centre

The proposed new Community Centre would be repositioned to the front of the site and prominently located alongside Randlay Avenue, which would necessitate the loss of a grassed and treed landscaped verge, the relocation of the footpath that ran from the existing pedestrian crossing to the Randlay Centre car park, and the loss of some car parking within the grounds of the adjacent primary school. The Parish Council and school had been consulted and it would, hopefully, increase usage by both the community and the school.

Amended design plans had been submitted to take account of the requirements of the Parish Council, which had contributed £75,000 to the project, and the facilities included three halls, two with adjacent kitchens, an external play area, toilets, stores and ancillary office accommodation. The Centre would be contemporary in design but, as there was no definitive design context to replicate and as much of the residential development in the area was set back from the road, it was considered that increasing the prominence of the local Centre and its community facilities was to be encouraged. There were some varying levels on site that would give the building different heights at ground level, but the main entrance would face Randlay Avenue.

The Nursing Home

This would be a large 'U' shaped, three storey, 72-bedroom facility built on the site of the existing shops and on the adjacent Green Network that met the "village green". It would have communal lounges, a dining room, treatment and therapy rooms, a manager's office, staff rest room, kitchen and laundry. The design, size and configuration had been dictated by the operational requirements of a Nursing Home and various standards. The elevations had some vertical alignment and gables in order to break up the scale and massing of the building and the hipped roofs would serve to reduce the bulk.

The building would be set back from the path that ran between the shops and the rear of the Farmhouse Public House with a residents' garden area to the front and rear, which would give the area by the shops and public house some visual relief from the hard built form and enhance the visual interest along the walkway that led to the "village green" and adjoining residential areas. Along the Nursing Home garden boundary with the "village green" would be a dwarf wall with railings. Most of the mature trees along the boundary of the Nursing Home with the "village green" would be retained to provide a landscaped setting and reduce the visual impact on the character, appearance and setting of the "village green", which was an important visual and recreational facility for local residents.

The Nursing Home would employ approximately 70 staff, the majority of whom would be full-time together with doctors, chiropodists and other carers who would visit mainly during the week. The plans showed 12 staff parking spaces and a covered cycle parking shed at the rear of the building and 10 designated visitor parking spaces within the main car park area. The applicant envisaged that, as most staff would live locally, they would cycle or walk to work or take advantage of the company mini-bus. There was also a regular bus service along Randlay Avenue, with bus stops conveniently located on Randlay Avenue close to the site.

The owners of the adjacent Farmhouse Public House had raised concerns that the two uses would not be compatible. However, it was considered that a public house was an integral and complementary part of the local centre which served a wide community and the design of the nursing home was such that most of the building would be set back from the public house and walkway.

Block of 12 flats

A three storey block of 12no. 2 bedroom flats was proposed at the rear of the public house and on the site of the existing Community Centre. Two of the ground floor flats would have their own access, while the others would be accessed via a central lobby. The design was relatively traditional with brick and render and a tiled ridged roof. A small amenity area for the ground floor flats would open onto the "village green" and be surrounded by a dwarf wall and railings with the other flats having immediate access to the communal "village green".

The repositioning of the new retail block and the Community Centre closer to Randlay Avenue would necessitate the loss of mature landscaping and roadside trees and the Nursing Home would require the removal of some of the grassed area behind the avenue of trees at the top of the "village green", all of which was Green Network. However, as set out in the report, Core Strategy Policy CS11 permitted development that had a "significant" community and environmental benefit.

All of the facilities at the Centre currently shared a communal car park in the centre of the complex accessed off Randlay Avenue. This which would be retained with some visibility improvements. However, highway engineers

considered that there was no need for each use to have its own parking quota as there would be sufficient staggered usage/demand throughout any day or week, such that on balance the existing parking provision was adequate for this redevelopment. However, Highway Engineers did have concerns regarding the ease and practicality of refuse and service vehicles accessing the servicing areas and discussions were currently being held with the applicant.

The erection of the new block of flats would necessitate the relocation of the existing ball court to ensure it was beyond the recommended distance from residential properties and the Council's Leisure Officer had advised on an acceptable new location towards the centre of the "village green" with the site of the existing ball court being made good and landscaped. In order not to delay development of the overall scheme, conditions would be imposed that allowed phasing of the development so that the ball court would only need to be relocated when work on the block of flats had started.

The report detailed the consultation responses and the conditions requested by relevant agencies/officers of the Council. Two letters of objection had been received from local residents, as summarised in the report.

In conclusion, the overall proposal accorded with Local Plan Policy S1 and Core Strategy policies CS5, CS9 and CS10 as it focuses upon development and investment of a local centre and enhanced facilities for the benefit of the wider community. Whilst, a loss of Green Network would be necessary, officers considered that the provision of new and improved community facilities were of such "significant" community benefit as to ensure that it was in accordance with Core Strategy policy CS11. It was, therefore, considered that there were material considerations of significant community benefit in the proposal which would justify such a development notwithstanding some policy conflict with Policy OL4 and the application had been advertised as a departure.

Members welcomed the application and the contribution from the Parish Council but expressed regret at the loss of the Green Network land.

RESOLVED - that with respect to planning application W2009/0326 planning permission be granted subject to the conditions as set out in the report and to any other that officers might consider necessary.

(Councillor I.T.W. Fletcher returned to the room and resumed as Chairman for the remainder of the meeting.)

(f) W2009/0610 – MFI Unit 3, Telford Bridge Retail Park, Colliers Way, Old Park, Telford, Shropshire

The applicant, who specialised in household goods and homewares, sought planning permission for an additional 1,236sq.m. of retail floor space at mezzanine level within this now vacant Unit, although up to 200sq.m. could be added without planning permission under permitted development rights. The mezzanine floor would be reached via internal stairways and customer lifts.

The Telford Bridge Retail Park was designated as an edge of centre location outside the designated Town Centre in the Draft Central Telford Area Action Plan (TCAAP) and the applicant's other stores countrywide were sited in such locations. The applicants had submitted a retail impact assessment although, according to PPS6, this was not necessary for developments under 2,500sq.m. and a Transport Assessment had also been lodged. Telford was identified as a Strategic Town Centre under the adopted Revised Regional Spatial Strategy 2008 and a Town Centre in the Core Strategy and the raised issues relating to planning policy, the need to protect the Town Centre as the primary focus for retail development, and the adequacy and mitigation of the existing highway infrastructure, as set out in the report.

The report detailed the work undertaken to establish quantitative need but, in conclusion, it was considered that the need for this development could be accepted. With regard to qualitative need, the introduction of this national retailer into Telford might result in a modest diversion of the trade currently being leaked to other centres. Given the data analysed, it was considered that the proposal represented a relatively minor and insignificant increase in the total floorspace of the Retail Park which would not materially alter the wider shopping patterns. The scale represented an acceptable increase for a Retail Park which had a complementary role to the Town Centre.

With regard to the sequential approach, as set out in the report, it was reasonable to conclude that there were no sites that could be described as readily available for this proposal and which would be sequentially preferable. The proposed use could occupy the former MFI Unit without the need for planning permission.

A health check had been carried out of the existing Town Centre Shopping Centre which had concluded that Telford remained a vital and viable town centre notwithstanding the current economic climate. The Bridge Retail Park and The Forge Retail Park provided a complementary role and function in providing large format store opportunities, including "bulky" goods. Whilst it was important to avoid trade diversion from the Town Centre, the Council's own evidence suggested that the turnover of the new mezzanine floor could be accommodated simply by growth in spending between 2009-2014. Accordingly, officers considered that the proposal was consistent with national, regional and local planning policy and would not result in harm to the Town Centre or undermine the principal strategy of TCAAP.

With regard to transport issues, as set out in the report, highway officers had requested additional survey work be undertaken and fed into the requirement for a Section 106 contribution to mitigate off-site highways and transportation infrastructure identified in CTAAP. The update sheet tabled at the meeting informed the Board that the applicants had been working with the Council's Highways Section to identify an appropriate level of financial contribution to secure this requirement by applying a formula that translated the broad objectives of CTAAP, based on the total anticipated capital expenditure of highway infrastructure improvements within the Plan area. This formula had not been tested and was considered to be a best estimate at this stage of the

Draft Plan but, as detailed in the update, equated to £28,813. The applicants had challenged the application of this formula but, in order to resolve this matter and facilitate the proposed retail floor space, they were prepared to agree to a contribution of £14,000.

Members found the application acceptable but raised some concerns over the possible need for additional parking. However, the Planning Officer assured them that the installation of a mezzanine floor would not generate the same number of additional trips as would the same amount of new floor space.

RESOLVED – that with respect to planning application W2009/0610 the Head of Planning & Environment be granted delegated authority to grant full permission subject to the applicant entering into a Section 106 Agreement requiring £14,000 to be used for Town Centre major highway infrastructure and subject to the condition set out in the report.

(g) W2009/0618 – Land adjacent to 81 Coronation Crescent, Madeley, Telford, Shropshire

This application requested permission for the erection of a single dwelling in the side garden of a property on an ex-local authority housing estate comprising of two storey semi-detached dwellings with hipped roofs. It was noted by the Board that, following an informal enquiry made in 2008, the Council's response had been that any development on this site would be unacceptable and any subsequent planning application was unlikely to be viewed favourably. Councillor D. Wright, the Ward Councillor, had requested that the application be determined by the Plans Board.

Six letters of objection had been received, as summarised in the report. The Council's Highway Engineer had raised objections to the proposal on the grounds that the traffic generated by the proposed development was likely to result in an increase in highway danger owing to the intensification in use of the vehicle access location which afforded restricted visibility splays for drivers exiting onto the highway approaching a main highway junction.

The proposed dwelling would be located within a highly sustainable location with a similar appearance to the existing dwellings. Two parking spaces would be provided for the proposed dwelling at the bottom of the rear garden with two for the existing dwelling being accessed via the proposed dwelling. .

However, it was considered that, due to the size of the plot, the proposal failed to respect and relate positively to its context and would result in over-development of the site, creating intensification of its use, both in built form and the nature of parking facilities for both residents of the proposed dwelling and the existing dwelling. The proposed detached dwelling would appear as an intrusive building due both to its detached nature and to the forward positioning and angle to the established building line creating a cramped form of development out of character with the spacious semi-detached built form of Coronation Crescent. This would ultimately create an incongruous form of development and, as such, would have an adverse impact upon the street scene. Moreover, given the level difference on the site, the Local Planning

Authority was concerned that the proposed dwelling would appear unduly prominent in the locality.

In addition, the amount of rear private amenity space for the proposed dwelling was deemed unacceptable when considering the close proximity of the access and parking for the existing dwelling, which would essentially be in the rear garden of the proposed dwelling.

In conclusion, for the reasons outlined above, it was considered that the proposed development was unacceptable, as it was deemed contrary to 'saved' policies UD2 and H6 of the Wrekin Local Plan 1995 – 2006, Policies CS1, CS5 and CS15 of the Core Strategy 2007 and national guidance in PPS1 and PPS3.

In discussing the application, it was noted that the ordnance survey map attached to the report was incorrect and it was, therefore, agreed that a Site Visit in this instance would be useful.

RESOLVED – that determination of planning application W2009/0618 be deferred to allow Members of the Plans Board to make a Site Visit prior to its meeting on 4 November, 2009.

(h) W2009/0683 – Land adjacent to 280 Wombridge Road, Trench, Telford, Shropshire

This was a planning application seeking change of use of a piece of public open space to private garden land on the corner of Wombridge Road and Trench Road. The land, which measured 19m. long by an average of 3m. wide, currently comprised a number of semi-mature silver birch trees and a dense collection of shrubs. The adjoining houses, 280 Wombridge Road and 100 Trench Road, both had boundary features that comprised brick walls and railings which extended up to the back of the pavements. Councillor C.F. Smith, the Ward Councillor, had requested that the application be determined by the Board.

The applicant, who lived to the south of the site, wished to purchase the land to increase the size of his garden and to overcome the serious anti-social problems that had occurred. Although he wished to remove the shrubs on the site, all of the silver birch trees would be retained. The first five metres of the site south of Trench Road would remain unenclosed and the remainder would be enclosed by a 1.5 metre high close boarded fence, which would be set back 5 metres from the rear of the Trench Road pavement.

The Council's Highways Engineer had no highway objections to the application as measurements indicated that any effect this application would have on the visibility splay at the mini-roundabout would be insignificant and would not compromise highway safety.

It was considered that the enclosure of this land would not have a detrimental impact on the visual amenities of the surrounding area, as the site lay behind another area of open space containing trees, shrubs, and grass, all of which

which would remain undisturbed. Therefore, the enclosure of the site with a 1.5 metre high close boarded fence, set back from the street, would not substantially affect the prevailing character and appearance of the locality. However, a condition would be imposed to ensure the retention of the existing trees within the boundaries of the application site.

Councillor C.F. Smith and Wrockwardine Wood & Trench Parish Council had both objected to the application, as set out in the report, and Councillor Smith reiterated his concerns at the meeting. In particular, he did not wish to see close boarded fencing used and requested that the shrubs, if not removed, were kept trimmed to a height of approximately one metre. The Head of Planning & Environment said that these requirements could be achieved by either conditions or a covenant as appropriate and undertook to discuss them with the Head of Property & Design.

RESOLVED – that with respect to planning application W2009/0683 planning permission be granted subject to an appropriate covenant/conditions to retain the fence and vegetation at a height which would not impede visibility and to the conditions as set out in the report.

- (i) W2009/0703 – Land to the south of Park Lane Centre, Park Lane, Woodside, Telford, Shropshire

This is an application by Telford & Wrekin Council for full planning permission for the realignment of the existing Park Lane, which would become a through route, and the provision of hard and soft landscaping together with a new parking area. The new section of highway would link the northern section of Park Lane with a section of highway outside the main entrance to the Woodlands Primary School. The proposal was part of the Woodside Regeneration Project managed by the Council in partnership with the Homes & Community Agency and Advantage West Midlands.

The site comprised the former Dolphin Public House, derelict/semi-derelict spaces in the vicinity of the Park Lane Centre, and a temporary panna court play facility. Park Lane had already been stopped up so that there was no through route with vehicular access serving the Park Lane Centre and Bennett House from the western side with the Medical Centre and Woodlands Primary School served from the eastern truncated section of Park Lane. The proposal would, therefore, provide a through route and open up areas for development. Traffic calming devices were proposed that would restrict access to one lane of traffic only across a 'raised table' and a zebra crossing would be located outside Woodlands Primary School.

In addition to providing a through route, the proposal would create a pedestrian square immediately in front of the Park Lane Centre, thereby enhancing the entrance into the Centre and improving connectivity. It would also provide an arc of 24 parking spaces that would serve the needs of the local centre and its facilities. Raised planters and bollards would prevent vehicular access beyond this car park whilst the area would be lit and CCTV installed. The existing car parking serving the Medical Centre and to the rear

of Park Lane Centre would not be affected and the existing cycleways and footways would be retained and the routing enhanced.

The road had been designed to visually integrate with the proposed square and open space and curve around existing buildings, thereby helping to reduce the formality of the road and encouraging pedestrian and cycle movement. The square would comprise light coloured blockwork with a good mix of trees and shrubs, which would be complimentary to the square and the Centre.

In presenting the report, the Planning Officer informed the Board that an additional letter had now been received from a local resident expressing concerns at the potential for increased traffic in the area.

Councillor G.M. Green welcomed the proposal which she considered would enhance the area and set off the Park Lane Centre. This was supported by Councillor E.A. Clare but she requested that measures were taken to ensure that the CCTV system was relocated, as stated on the plans.

RESOLVED – that with respect to planning application W2009/0703 planning permission be granted subject to the conditions as set out in the report.

(j) W2009/0724 – Lawley Primary School, Arleston Lane, Lawley, Telford, Shropshire

This was an application from Telford & Wrekin Council to enlarge the modern part of the school building with an extension comprising two new classrooms, a library and toilet facilities. In addition, a smaller extension at the front of the building would enlarge the lobby/reception and head teacher office.

The proposed main extension would be 24 metres in length and would extend into an existing hard-surfaced games area which adjoined that part of the school. It would be a single storey with appropriately pitched roofs and an overall design which would match the appearance of the existing school building. The site of the existing play area was adequately screened from the surrounding area. As it was on a slightly lower land level and there was maturing planting and trees adjoining the rear of the school site and the playing field, it was considered that the proposal would not have a significant detrimental impact on the amenities of the surrounding land uses.

The Council's Engineers had recommended a shallow mine working condition be imposed on any approval and the Highways Engineer had recommended the imposition of a revised School Travel Plan within three months for approval by the Local Planning Authority, as set out on the tabled update sheet.

RESOLVED – that with respect to planning application W2009/0274 planning permission be granted subject to the conditions as set out in the report.

PB-48 SITE VISITS

RESOLVED – that a Site Visit be made in respect of planning application W2009/0618, Land Adjacent to 81 Coronation Crescent, Madeley, at 3.30 p.m. on Wednesday, 4 November 2009.

PB-49 PLANNING APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 8.05 p.m.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday, 29th September 2009 at 11.00 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, J.A.Francis, Y.C. Hicks, T.J.Hope, T.Kiernan, A.A. Mackenzie (for minute items LC-44 to LC-48 inclusive and for minute item LC-50), C.N.Mason, H.Rhodes (for minute items LC-44 to LC-49 inclusive only), C.F.Smith, K.L. Tomlinson (for minute item LC-44 only) and A.G.P.Williams.

LC-44 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on 1st September 2009 be confirmed and signed by the Chairman.

LC-45 APOLOGIES FOR ABSENCE

Councillors G.J.L.Davies and G.P.Hossell.

LC-46 DECLARATIONS OF INTEREST

None.

LC-47 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-48 PRIVATE HEARING – MR.JR – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee were informed that the applicant was not in attendance. However, Members were advised that a representative on behalf of the applicant had contacted Democratic Services to advise that it was the intention of the applicant to withdraw his application. Members were further advised that the Democratic Services Officer had requested that the applicant should submit a letter confirming his intention that he wished to withdraw his application. It was confirmed to the Committee that no such letter had been received prior to the meeting.

It was noted by the Committee that this particular application had been submitted to the Committee on the 18th May 2009 where consideration and determination of this application had been adjourned to a future date to enable the applicant to attend the meeting.

Following discussion and consideration by the Committee, it was;

RESOLVED – that the consideration and determination of this application be adjourned sine die.

LC-49 PRIVATE HEARING – MR.P.J – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee were informed that the applicant was not in attendance. However, Members were advised that the applicant had contacted the Licensing Service to advise that he would be unable to attend the meeting as he had secured alternative employment. It was mentioned to Members that following this conversation unsuccessful attempts had been made to contact the applicant in order to seek clarification as to whether the applicant wished to adjourn consideration of his application or to seek confirmation that he wished to withdraw his application. Unfortunately, it had not been possible for any further contact to be made between the Licensing Service and the applicant.

Following discussion and consideration by the Committee, it was;

RESOLVED – that the consideration and determination of this application be adjourned sine die.

LC-50 PRIVATE HEARING – MR.K.S – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant and his witnesses in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were not satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his application should be refused.

The meeting ended at 3.30 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 12th October 2009 at 9.30 am in Training Room 5, AFC Telford United Learning Centre, New Bucks Head, Wellington, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, R.E.Groom, Y.C.Hicks, G.P.Hossell, T.Kiernan, A.A.Mackenzie, C.N.Mason (for minute items LC-51 to LC-56 inclusive only), C.F.Smith and K.L.Tomlinson.

The Chairman informed the Committee of the recent resignation of Councillor G.J.L.Davies she expressed the wish that the Committee should thank Councillor Davies of his service to the work of the Committee. The Committee wished to record their thanks and agreed that the Chairman should write to Councillor Davies.

The Chairman welcomed Councillor R.E.Groom to serve on the Committee as Councillor G.J.L.Davies as the Liberal Democrat/Independent Group replacement.

LC-51 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on 29th September 2009 be confirmed and signed by the Chairman.

LC-52 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, T.J.Hope, H.Rhodes and A.G.P.Williams.

LC-53 DECLARATIONS OF INTEREST

None.

LC-54 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-55 PRIVATE HEARING – MR.D.G. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee were informed that the applicant was not in attendance. However, Members were advised that the applicant had written to the Democratic Services Officer informing that he would be unable to attend the hearing due to another commitment. He had indicated his approval for the Committee to proceed in his absence. In the letter he had also provided comments that he wished to submit before the Committee.

The Committee having taken the legal advice of the Committee and during a further discussion the Committee concluded that they were of the view that whilst accepting the desire of the applicant were minded that they would wish to benefit from the applicant being in attendance.

Following discussion and consideration by the Committee, it was;

RESOLVED – that the consideration and determination of this application be adjourned sine die.

LC-56 PRIVATE HEARING – MR.J.S – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee were informed that the applicant was not in attendance. The Democratic Services Officer was requested to contact the applicant after which he reported to the Committee that he had not been able to make contact as requested.

Following discussion and consideration by the Committee, it was;

RESOLVED – that the consideration and determination of this application be adjourned sine die.

LC-57 PRIVATE HEARING – MR.T.W. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his application should be granted.

The meeting ended at 2.50 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday, 14th October 2009 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, J.A.Francis, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, H.Rhodes and C.F.Smith.

OTHER MEMBERS PRESENT: N.A.Dugmore (Muxton Ward), A.J.Eade (Church Aston & Lilleshall), V.Tonks and H.Williams (Dawley Magna).

LC-58 APOLOGIES FOR ABSENCE

Councillors R.E.Groom, A.A.Mackenzie, C.N.Mason, K.L.Tomlinson and A.G.P.Williams.

N.B. Councillors C.N.Mason and A.G.P.Williams although having submitted apologies for the meeting were not present as they had previously declared prejudicial interests in the substantive agenda item.

LC-59 DECLARATIONS OF INTEREST

Councillors V.A.Fletcher, E.J.Greenaway, J.A.Francis, T.J.Hope, G.P.Hossell declared their respective personal interests as Members of the Telford Conservative Association who had submitted a consultation response although none of the named Members had been aware of or taken part in the formulation of the response.

LC-60 COMMUNITY GOVERNANCE REVIEW – PARISHES OF GREAT DAWLEY AND LILLESBALL & DONNINGTON – AGREEMENT OF DRAFT PROPOSALS DOCUMENT

Prior to the consideration of this particular agenda item the Chairman of the Committee outlined to Members that the Committee were only required at this stage to consider the draft proposals document for the respective parishes. Once approved the draft proposals would be subjected to a further consultation period and that further responses could well be received; this meeting was not therefore an occasion requiring detailed debate of the recommended proposals. This position was confirmed by the Council's solicitor.

Members were also informed by the Chairman that she had received a request to speak from Councillor H Williams the ward member for Dawley Magna and that following consideration of the request she had accordingly approved the request.

Councillor Williams made reference to the Draft Proposal Document for Great Dawley PC. She referred members to paragraph 1.6 of the draft document which made reference to a public meeting of Great Dawley PC which had been held which was inquorate and that following consideration by the Council's Monitoring Officer it was agreed that an extension of time could be granted to Great Dawley PC until 29th July 2009 – and that this extension would only apply to the Parish Council in order

for them to respond. The Committee were advised that press coverage within the Shropshire Star and local radio publicised the extension and as a result local ward members believed that local residents would also benefit from the extension and therefore proceeded to encourage local people to submit their views.

The Committee were further referred to paragraph 1.7 of the Draft Proposals document which made reference to the 12 letters that had been presented to the Electoral Services Manager by Councillor V Tonks which included local resident's submissions to the review. She pointed out that reference to these letters had been included within the Draft Proposals Document but it was confirmed that they had not been considered during the preparation of the proposals document and that they should have been as they had been delivered at the meeting held on 29th July at the time that the belief existed that the agreed extension was in existence.

Councillor Williams also referred the Committee to an email sent by a local resident on the 22nd June 2009 which detailed a number of organisations etc that had not been included on the original document in which it was requested that the named organisations should be consulted. The Committee were informed that no consultation had been sought from these particular organisations at this stage.

In conclusion she stated that as a result of these omissions she requested that the draft proposals document should be re-written to take account of the 12 letters that had been presented on the 29th July and also following the additional consultation of the organisations that had been listed in the email dated 22nd June which might result in a differing conclusion being stated within the draft proposals document.

By way of response the Electoral Services Manager advised members that the Terms of Reference document was quite clear in connection with the deadline for the receipt of consultation responses. In connection with the press cutting from the Shropshire Star he stated that the details within the article were not based on an official press release from Telford & Wrekin Council and that no additional consultees' responses were received following the publication of this article.

In connection with the letters handed to him on the 29th July, he stated that these had not been received within the original consultation period but that the names and addresses had been added to a database of consultees who would receive details to enable them to respond within the next stage of consultation. Likewise, the organisations that were mentioned in the email dated 22nd June 2009 would also be added to this database in order to be included within the next consultation stage. In relation to any proposal to redraft the Draft Proposals document it was pointed out to the Committee that this might result in a legal challenge particularly if the Council proceeded to amend the Draft Proposals document without appropriate evidence that had been received within the consultation period.

The Committee received the report of the Head of Legal Services on the Draft Proposals documents for the conduct of the Community Governance Reviews that were currently being undertaken in relation to the Parishes of Great Dawley and Lilleshall & Donnington. The Draft Proposals documents incorporated the initial proposals of the Council, drawn up following the completion of the first consultation period during which initial submissions had been invited.

Members were reminded that two Community Governance Petitions had been received by the Council calling for the creation of separate parishes for the Dawley parish ward of the parish of Great Dawley and for the Lilleshall parish ward of the parish of Lilleshall and Donnington. The Council published a Terms of Reference document on 22 April 2009 and invited initial submissions from electors and other interested bodies. These submissions had been considered alongside the relevant legislation and the policies that the Council had laid down in its Terms of Reference for this review. Together, they had informed the Draft Proposals, which the Committee was now requested to adopt and publish leading to the next and more substantive stage of consultation in this Review.

In the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed great emphasis on consultation in a Review, and the Terms of Reference had laid out how the Council proposed to consult the electors and other interested organisations and the consultation periods that would be allowed in the Review.

The Committee was informed that the publication of the Draft Proposals was a significant stage in this Review; the Council had given due consideration to the petitions that were received and it had carefully considered the various submissions that had been received to date. It had weighed these against its legal duty in section 93 of the Local Government and Public Involvement in Health Act 2007 to ensure that community governance within the Borough reflected the identities and interests of the community; was effective and convenient and took into account any other arrangements for community representation and engagement in the area.

With regard to the Parishes of Great Dawley and Lilleshall & Donnington, the proposed Draft Proposals were that there should be no changes in the present community governance arrangements. Members were referred to the conclusions as detailed within the report. Members were also informed that the publication of the Draft Proposals document would formally launch a three-month period in which comments and submissions were invited. It was reported that the Council would then use any comments and submissions that were received together with the policies outlined in the Terms of Reference document and the legislative framework to assist in the preparation and publication of the Final Proposals document which would outline the future of community governance in the affected areas.

The Committee proceeded to discuss each Review area in turn. For the purposes of clarity the minutes are split to take account of the discussions that were undertaken in respect to the two separate Community Governance Reviews. Any responses are indicated within the following brackets.

Great Dawley

Councillor Greenaway enquired whether other information was taken into account when drafting the required documentation or whether it was based solely on the evidence supplied. Councillor Fletcher also indicated that the infrastructure already

existed that would support the principle of community identity particularly for Malinslee with reference being made to the DWP, Civic Offices, etc. She also in particular mentioned Malinslee Church which had only been mentioned as a place of worship but was identified as a focal point of the community. (By way of response the Committee were advised that the documentation was purely based on the evidence that had been received during the consultation period. In connection with the point raised about the facilities at Civic Offices and other possible community facilities, etc. no evidence had been received by the Council that would provide support to the proposition that members of the community strongly identified that these facilities as community facilities associated with Malinslee.)

Councillor Fletcher asked whether the general public knew what was required of them in order for them to respond to the consultation and stated further that this fact might justify a question as to the adequacy or level of the response. She stated further that there was a requirement to ensure that the Council fully explained the process. (The Democratic Services Officer responded by stating that he could not comment for the local residents but had indicated that few responses had actually been received within the initial consultation period. By way of communication within Great Dawley, the Council had done everything it could to ensure that local residents were aware of the ongoing review. It was also stated that even following the Shropshire Star article there was no contact made with the Borough Council.)

Councillor Fletcher commented that the Council appeared to be not taking into account the views of the public and in particular made reference to the 567 local residents who had signed the petition. She also enquired as to whether these people had been written to by the Council. (Members were informed by the Electoral Services Manager that the legal position in connection with the petition was that it was only the trigger to initiate the review and that in connection with writing to the 567 individuals this was not undertaken as there was no legal requirement to do so. The Council had met its legal requirements in the publication of the Terms of Reference.)

Councillor Hope stated that she felt that the engagement of the public had not been completed and enquired as to how this could be achieved. (The Electoral Services Manager confirmed that democratic participation of which this was an element was a current national problem. He confirmed that the Council would endeavour to write to all of the individuals and groups that were listed within the Terms of Reference document together with all individuals and groups that had been notified to the Council since that Terms of Reference document had been published. There were, however, some constraints. The legislation required the Review to be completed within twelve months; the cost of the consultation exercise had to be commensurate, and in several instances the Council was not in possession of a contact name or address for a suggested organisation.)

Councillor Smith questioned the length of time that was available for the next stage of the consultation process, inquiring as to whether this could be extended by two weeks to take account of the Christmas Festive period. Members were informed that this could be incorporated within the timetable and could be accommodated. The Committee discussed this particular aspect and agreed that the date extension should be recorded within the documentation.

Councillor Greenaway expressed the view that the summary of reasons for the Council's Draft Proposals contained towards the conclusion of the document should be made more open ended to reflect the fact that the document was a consultation document, which would be the subject of three months of public consultation during which important new evidence and views might come forward. Following a discussion by the Committee it was agreed that this revision should be reflected within the Draft Proposals document

Councillor Rhodes advised that she had felt that officers had fully met their obligations within the legislation and should be commended for the work that had been undertaken to date.

Lilleshall & Donnington

Councillor Francis commented that she felt that Lilleshall and Donnington were very different to each other and sought further clarification of the local ward member's view that consideration should also be given to the splitting of Muxton from the current arrangements. (The Democratic Services Manager advised that this had been included. However the Council had received three responses from the Muxton area with regard to the forming of a separate parish in that area, two of these responses favoured a separate parish for Muxton.)

Councillor Greenaway commented on the urban – rural split of the parish and queried the listing in Annex 6 of the Terms of Reference of Lilleshall and Donnington as an urban parish. She considered that taken individually there was a difference in the nature of the two parish wards. She also commented about the lack of police liaison received by the Parish Council with Donnington and Muxton falling under the Donnington Division and Lilleshall being linked to the Newport Division.

Councillor Fletcher considered that this particular review was very finely balanced and questioned how the concluded position had been reached, especially when consideration was given to the financial position. (The Electoral Services Manager advised Members that there had been a greater response to this particular review than the Great Dawley review, and that the responses received had been divided, with the majority of individual responses from Lilleshall, together with a petition of 359 local signatures opposing change. He also made reference to the Tables 4 and 5 which indicated to the best of the Council's ability a likely disaggregated budget between three separate parishes. The budgetary position was particularly complicated, and the associated interdependencies were complex in the present parishes, but it was the considered view of the Council's officers that a separate parish of Lilleshall and a separate parish of Donnington might encounter serious budgetary shortfalls which would either require a reduction of services for the electorate or an increase in the parish precept. The Democratic Services Manager reinforced this message, urging that the review should carefully consider the question of the provision of effective and convenient local government within the area.)

Again, Councillor Greenaway expressed the view that the summary of reasons for the Council's Draft Proposals, contained towards the conclusion of the document, should be made more open ended to reflect the fact that the document was a

consultation document which would be the subject of three months of public consultation during which important new evidence and views might come forward. Following a discussion by the Committee, it was agreed that this revision should be reflected within the Draft Proposals document.

Councillor Smith again questioned the length of time that was available for the next stage of the consultation process, inquiring as to whether this could be extended by two weeks to take account of the Christmas Festive period. Members were informed that this could be incorporated within the timetable and could be accommodated. The Committee discussed this particular aspect and agreed that the date extension should be amended within the documentation.

RESOLVED

Parish of Great Dawley –

that the draft Proposals Documents for the Parish of Great Dawley be formally adopted and published subject to the following amendments as indicated by the words in italics;

(a) 6. Summary of Draft Proposals

6.1 The Draft Proposals are that there should be no changes in the present community governance arrangements in the parish of Great Dawley “*at this time*” because:

- the submissions received “*to date*” in this Review have given no clear evidence that there are distinctive communities of identity in Dawley and Malinslee that would justify separate parish governance;
- “*to date*” the review has identified an interdependence between Malinslee and Dawley, underlined by Dawley’s role as an area centre, used by the residents of Malinslee, and by the absence of an adequate infrastructure in Malinslee to support a separate community of identity;
- the warding arrangement that exists in the present parish of Great Dawley “*would appear at this time to be*” appropriate for this parish with its overall community of identity but that also comprises different parts;
- “*at this time*” there are no pressing reasons for altering the present warding and electoral arrangements;
- “*it would appear at this stage in the Review*” that any change would not be in the interests of effective and convenient local government for the electors of the area and would fail to meet the ‘viability test’;
- since the Terms of Reference were published in this review, only a small number of views have “*so far*” come forward from the electors of

the parish or from community organisations within it to lead to any different proposals being made.

- (b) addition of new paragraph 7.2 as appears below in italics;

“7.2 These Draft Proposals give our initial proposals for the future of community governance in Great Dawley. We now allow a period of three months, in accordance with our timetable at Table 3 above, for consultations on our proposals. Our Final Proposals will be made in response to the outcome of these consultations. They may wholly change our Draft Proposals, because we will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies. There will then be a two-month period before the Council publishes its Recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the Review.”

- (c) consequential amendment to the closing date of the consultation on the draft proposals in paragraph 7.3 to now read 29th January 2010 as appears below in italics;

7.3 A period for comments on the Draft Proposals has now opened, and this lasts until “29” January 2010.

Parish of Lilleshall & Donnington –

that the draft Proposals Documents for the Parish of Lilleshall & Donnington be formally adopted and published subject to the following amendments as indicated by the words in italics;

- (a) in paragraph 1.9 that the words in line one *“what may be described as a counter”* be replaced by the words *“a further”*.
- (b) in paragraph 1.9 that the words in line ten *“a counter”* be replaced by the word *“this”*
- (c) in paragraph 3.6 that the word in line twenty four *“counter”* be replaced by the word *“further”*
- (d) in paragraph 3.9 that the word in line eight *“counter”* be replaced by the word *“further”*
- (e) **7. Summary of Draft Proposals**

7.1 The Draft Proposals are that there should be no changes in the present community governance arrangements in the parish of Lilleshall & Donnington *“at this time”* because:

- ***“at this time there would appear to be”*** an absence of community consensus that there is a distinct community of identity in the Lilleshall ward and ***“to date”*** there is an absence of submissions from the Donnington and Muxton wards; taken together this ***“would seem to argue”*** against any change to the current arrangements;
- the warding arrangement that exists in the present parish of Lilleshall & Donnington ***“would appear at this time to be”*** appropriate for this parish because it will allow the different parts of the parish to be represented on the parish council;
- ***“at this time”*** there are no pressing reasons for altering the present warding and electoral arrangements;
- ***“it would appear at this stage in the Review”*** that any change would not provide any substantial benefits in terms of the effective and convenient local government for the electors of the area;

(b) addition of new paragraph 8.2 as appears below in italics

“8.2 These Draft Proposals give our initial proposals for the future of community governance in Lilleshall & Donnington. We now allow a period of three months, in accordance with our timetable at Table 3 above, for consultations on our proposals. Our Final Proposals will be made in response to the outcome of these consultations. They may wholly change our Draft Proposals, because we will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies. There will then be a two-month period before the Council publishes its Recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the Review.”

(c) consequential amendment to the closing date of the consultation on the draft proposals in paragraph 8.3 to now read 29th January 2010 as appears below in italics

8.3 A period for comments on the Draft Proposals has now opened, and this lasts until *“29”* January 2010.

The meeting ended at 8.00 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday, 21st October 2009 at 9.30 am in the Quaker Room, Meeting Point House, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, R.E.Groom, Y.C.Hicks, G.P.Hossell, T.Kiernan, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams

LC-61 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, T.J.Hope, A.A.Mackenzie and K.L.Tomlinson.

LC-62 DECLARATIONS OF INTEREST

None

LC-63 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-64 MR.S.W. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

Members were informed by the Democratic Services Officer that an application for an adjournment of the private hearing had been received from a firm of solicitors who had confirmed that they had been instructed by the licensee. Following the advice that had been given to the licensee's solicitors the licensee was in attendance in order to confirm the reason for the adjournment request. The Committee were informed that the reason for the adjournment application was to enable the attendance of legal representation and that the instructed solicitor was unable to be present at the hearing.

The Committee were advised of the notification process that had been followed prior to the hearing by both the Licensing Service and Democratic Services.

After receiving the legal advice of the Council's legal advisor and following a discussion it was;

RESOLVED – that the private hearing should be adjourned to a fixed date of Thursday 12th November 2009, commencing at 9.30am with the venue to be confirmed. Members also resolved that the hearing would be heard on this resumed date and that the licensee should notify his solicitor of this date as soon as possible in order for him to be represented. If the original solicitor was unavailable then the licensee should either arrange for a replacement solicitor either from the same firm as currently instructed or an alternative solicitor from a different practice. If the licensee was unable to obtain

representation for the hearing on the 12th November the hearing would still proceed.

LC-65 **MR.J.G. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE**

The Committee were informed that the licensee was not in attendance and received confirmation from the Council's Licensing Operations Manager that the licensee had indicated that he would not be in attendance and did not wish to remain licensed as a Private Hire Vehicle Driver.

After receiving the legal advice of the Council's legal advisor and following a discussion the Committee;

RESOLVED – that consideration and determination of the private hearing should proceed in the absence of the licensee.

After hearing the evidence presented by the Council's Licensing Operations Manager in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were not satisfied that the licensee was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his Private Hire Vehicle Driver Licence should be revoked with immediate effect.

The meeting ended at 12.45 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 9th November 2009 at 9.30 am in Training Room 6, AFC Telford United Learning Centre, New Bucks Head, Wellington, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin (for minute items LC-66 to LC-72 inclusive only), R.E.Groom, Y.C.Hicks, G.P.Hossell, T.Kiernan, C.F.Smith (for minute items LC-66 to LC-72 inclusive only), K.L.Tomlinson and A.G.P.Williams.

LC-66 MINUTES

RESOLVED – that the minutes of the meetings of the Licensing Committee held on the 12th October, 14th October and 21st October 2009 be confirmed and signed by the Chairman.

LC-67 APOLOGIES FOR ABSENCE

Councillors J.A.Francis, A.A.Mackenzie, C.N.Mason and H.Rhodes.

LC-68 DECLARATIONS OF INTEREST

None

LC-69 COMMUNITY GOVERNANCE REVIEW – HADLEY & LEEGOMERY PARISH WARD OF THE PARISH OF HADLEY & LEEGOMERY – AGREEMENT OF TERMS OF REFERENCE DOCUMENT

The Committee received the report of the Head of Legal Services which sought Members comments on a draft Terms of Reference document for the conduct of the Review in connection with the Hadley & Leegomery Parish Ward of Hadley & Leegomery Parish Council. The document that was attached to the report incorporated the main policies that the Borough Council proposed to follow in this Review and its publication would initiate the Review.

Members were reminded that at the Committee's meeting held on 1st September 2009; a letter from Hadley and Leegomery Parish Council requesting that a review be held of the Hadley and Leegomery Parish Ward of their council was considered. The Committee resolved that a Community Governance Review should be commenced by the preparation for the Committee's consideration of a Terms of Reference document. On 25th September 2008 Full Council had delegated authority to deal with all matters relating to Community Governance Reviews to the Licensing Committee.

The Committee were reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission. The first stage of the Review was the drawing up of a Terms of

Reference document. In effect, this document outlined the Council's policies for the conduct of the Review. It aimed to provide as much background information as possible to allow electors and other interested organisations to make informed submissions, while also referring to the legislative framework against which the Review must operate. The Committee were further reminded that the publication of the Terms of Reference would commence the Review, and that the Review must then be completed within twelve months.

Publication of the Terms of Reference document would formally launch the Review, and it would open a suggested two-month period in which initial submissions would be invited. It was pointed out that any submissions that were received together with the policies outlined in the Terms of Reference and the legislative framework would assist in the preparation of a Draft Proposals Document which would outline the future of community governance in the affected area.

The document provided information and the background legislative framework on the issues that were related to a review of the Hadley and Leegomery Parish Ward. There was a great deal of information on the present parish ward, electorate and demographic data, and present electoral arrangements. Members were advised that the legislation placed great emphasis on consultation in a Review, and information was also outlined on how the Council proposed to consult the electors and other interested organisations and the consultation periods that would be allowed in the Review. The key issues in this Review would be whether it was felt to be appropriate to divide the present very large Hadley and Leegomery Parish Ward into smaller wards, the number and boundaries of any new wards, the number of parish councillors that should be elected for any new parish wards, and the names of any new parish wards.

There was also a requirement for the Borough Council to appoint an officer of the Council to act as "Proper Officer" within the Regulations issued under the Act. The Proper Officer was needed to make decisions in respect of the apportionment of the property, rights and liabilities of parish councils where applicable. The Regulations set out criteria to be used by the Proper Officer in making such calculations. It was proposed that the Proper Officer should be the Corporate Director: Resources.

Members were requested to note Annex 5 of the proposed Terms of Reference document in connection with Consultation and Publicity and were further requested to advise whether any other persons or organisations should be consulted. The Chairman enquired as to whether Ketley Parish Council should be consulted together with the relevant Borough Council ward members for that area. She also reinforced that every step should be taken to ensure that the public were fully aware of the consultation. Councillor Greenaway queried as to whether there would be online consultation and she was advised by the Electoral Services Manager that this would be undertaken and that a web site page in connection with this particular review had already been established.

Councillor Tomlinson enquired as to whether the Parish Council published their own Parish Newsletter, which could incorporate details of the Community Governance Review. The Committee was advised that enquiries would be made of the Parish Clerk but consideration would have to be given to the review timetable in deciding

whether any parish publication could be utilised. Councillor Groom enquired as to whether the documentation could be made available within Oakengates Library as this had not been included within the proposed list, and Members were informed that this would be done.

Councillor Groom also enquired about the cost implications to the Council of the review. The Electoral Services Manager confirmed that the cost of the review would be met from within the existing budget of the Service, with the main cost comprising officer time and some postage and publicity costs.

Councillor Greenaway enquired about the projected housing developments that were shown in the document and how any resultant imbalance in the number of electors between potential parish wards would be accommodated. Members were advised by the Electoral Services Manager that any split of the existing parish ward would not need to ensure an equality of numbers of electors but would primarily be based on the need to give separate representation of the different parts of the parish on its parish council. However, in allocating parish councillors to any new wards, there would be a need to ensure parity of representation across the parish.

Overall, the Members' additional consultees to be added to Annex 5 of the Terms of Reference document therefore comprised; the Clerks to Ketley Parish Council and Oakengates Town Council, the local Ward Members for the Ketley and Oakengates Borough Ward, Oakengates Library, and the following places of worship in the parish ward; Holy Trinity Church, Hadley Methodist Church and the Guru Nanak Sikh Temple, together with any additional consultees that the parish council clerk advised the Borough Council of.

RESOLVED – that

- (a) **the Terms of Reference Document as attached to the report be adopted and published by the Committee subject to the amendments to list of consultees contained within Annex 5 of the Terms of Reference Document; and,**
- (b) **the Committee appoints the Corporate Director: Resources as the “Proper Officer” for the purposes of the review.**

LC-70 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-71 MR.L.G. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Officer and the applicant in accordance with hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his application should be granted subject to the issuing of a strong warning as to future conduct.

LC-72 MR.K.Z. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council’s Licensing Officer and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that consideration and determination of this particular application be adjourned to enable the applicant to undertake and successfully pass the Driving Standards Agency test prior to further consideration by the Committee.

LC-73 MR.D.M. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council’s Licensing Officer and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that the applicant remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a strong warning as to future conduct.

The meeting ended at 2.30 pm.

Chairman:

Date:

SCRUTINY LEADERSHIP BOARD

Minutes of a meeting of the Scrutiny Leadership Board held on 16 September, 2009 at 4.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors D.R.W. White (Chairman), R. Aveley, J.A. Francis, A.A. Meredith and K.L. Tomlinson

ALSO PRESENT: Councillors J.M. Seymour (Deputy Leader), Stephen Burrell (Cabinet Member: Children & Young People), Victor Brownlees (Chief Executive), Jonathan Rowe (Head of Leisure & Culture) – for Minute No. SLB-67

Ken Clarke (Head of Finance & Audit) and Stephanie Jones (Scrutiny Officer)

SLB-64 MINUTES

RESOLVED – that the minutes of the meeting of the Scrutiny Leadership Board held on 9 July, 2009 be confirmed and signed by the Chairman subject to Minute No. SLB-61 being amended to read ‘*As Councillor K.L. Tomlinson was unable to accept the Chairmanship of the Value for Money Scrutiny Group due to her childcare commitments, the Chairman agreed that the Leader of the Independent/Liberal Democrat Group should be invited to nominate a representative to join the Value for Money Scrutiny Group and that a new Chairman would be sought from the existing Value for Money Group members.*’

SLB-65 APOLOGY FOR ABSENCE

Councillor A.A. Mackenzie

SLB-66 DECLARATIONS OF INTEREST/PARTY WHIP

None.

SLB-67 UPDATE FROM THE DEPUTY LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE ON THE BOROUGH TOWNS INITIATIVE – SPORTS & LEARNING COMMUNITY (INCORPORATING THE FORMER TSLEC)

The Board was provided with a verbal update on the decision made not to proceed with the TSLEC Project and to use the funding thereby released to provide Sport & Learning Community facilities across the whole of the Borough.

The Chief Executive stressed that many valuable parts of the TSLEC Project would be retained and built into the Sports & Learning Community facilities. In response to a question from Councillor K.L. Tomlinson he confirmed that the £286,000 revenue funding from the Telford & Wrekin PCT would still be used to provide a Men’s Health & Vascular Screening Project.

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The Chairman sought assurances from the Cabinet Member for Children & Young People that public access to the new facilities would be maintained and he agreed that a statement of community access would be issued in due course.

The Chairman requested that the Chief Executive attend a future meeting of the Scrutiny Leadership Board to give a further update on progress.

**SLB-68 PREPARATION FOR THE SCRUTINY ASSEMBLY MEETING
ON 12 OCTOBER, 2009**

The Board was informed of the arrangements being made in respect of the Scrutiny Assembly Meeting on 12 October, 2009, which would be attended by the Leader of the Council and the Chief Executive. The meeting would have a 'Question Time' format under the chairmanship of Councillor D.R.W. White and would be an opportunity for all Assembly members to ask questions important to them and to their Ward.

The meeting would include the asking of four or five pre-agreed questions with an opportunity for Members to ask supplementary questions. In addition questions on other issues could be raised by Members attending on the night. Members were, therefore, requested to agree the questions to be asked and that these be given to the Leader and Chief Executive in advance to allow them time to prepare a considered and detailed response. Agreeing questions in advance would ensure that the questions put were of a sufficiently strategic and challenging nature and avoided being too parochial or relating to individual ward issues. The combination of pre-agreed and open questions should focus the meeting on issues of future strategic importance while allowing scope for Members to ask questions about issues of concern to them. The Scrutiny Assembly had, therefore, been invited to put forward suggested questions for consideration and selection by the Scrutiny Leadership Board.

In conclusion, the Chairman agreed to write to all Scrutiny Assembly members reminding them of the opportunity to ask questions of the Leader of the Council and the Chief Executive.

SLB-69 SURFACE WATER DRAINAGE

The Board was informed that a Surface Water Drainage Special Interest Meeting (SIM) had been held on 30th July 2009 to review the ways in which an expanding population and climate change would impact on the drainage of water and how system capacity was planned to cope with future demands.

The SIM Group Members agreed that they would like to undertake an In-depth review on flooding and surface water drainage matters and that the Scrutiny Leadership Board should be requested to agree its inclusion in the Scrutiny Work Programme. It was noted that one of the recommendations of the Pitt Review following the 2007 floods had been to strengthen Overview and Scrutiny by local authorities in the context of a complex working

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environment and one in which flooding issues were not of a 'task and finish' nature. It was, therefore, suggested that with the range of issues within Telford & Wrekin and the growth expectations this would be an appropriate approach. The SIM Members, therefore, agreed a number of areas that such an In-depth review could cover, as set out in the report.

This suggestion for scrutiny had originally been sixth on the priority list for SIM but had been brought forward to coincide with early consultation on the Surface Water Drainage Supplementary Planning Document (SPD) which would become part of the Local Development Framework. Given the level of interest shown in this issue, the Board was requested to consider its inclusion within the Work Programme as an In-depth review and, if approved, how it should be prioritised against the previously agreed Reviews.

The Chairman commented that surface water as an issue was now more relevant than ever and the Scrutiny Officer informed the Board that the Flood & Water Bill, which would be enacted in 2010, would place more responsibility on local authorities to deal with surface water management and resource issues. In addition, the Bill would require local authorities to work with their partners in this respect but with no accompanying powers over them.

The Board, therefore, agreed that Surface Water Drainage should be included in the Scrutiny Work Programme as an Indepth Review.

SLB-70 DRAFT SCRUTINY ANNUAL REPORT FOR APPROVAL BY FULL COUNCIL ON 30 SEPTEMBER, 2009

The draft Scrutiny Annual Report was presented to the Board prior to being submitted to Full Council for approval. The Head of Finance & Audit informed Members that photographs of the 2008-09 Scrutiny Commission Chairmen and Vice-Chairmen would be added and their contribution to the work of Scrutiny acknowledged. If Members had any comments to make on the draft, they were requested to contact the Scrutiny team.

SLB-71 APPROVAL OF SCRUTINY REVIEW REPORT

Councillor R. Aveley, as the Lead Scrutiny Member, presented the Review Report on Procurement. Members had decided to undertake this review of the procurement arrangements as they were concerned that the Council did not have the right model in place to enable it to make the efficiency savings that would be required as it moved into the future. The three main objectives of the review had been:

1. To evaluate whether the Council has the right balance between centralized procurement (corporate) and devolved procurement (within individual business units);
2. To evaluate whether the Council's procurement processes provide value for money;
3. To make recommendations on the Council's procurement process to improve value for money.

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In particular, Councillor Aveley drew the Board's attention to the issues and implications which had been identified as arising from the, current, decentralised procurement structure, the key ones being the lack of strategic management and the lack of economies of scale.

The Review had made twelve recommendations, as set out in the report, each of which had been assigned a priority level and an indication of cost. With regard to Recommendation 2, the Board was advised that this had been amended to read 'To align current structures to create a post to champion, influence and co-ordinate Procurement policies and strategies at corporate level across the Council.'

SLB-72 CHAIRMAN'S UPDATE

Anti-Social Behaviour

The Chairman drew Members' attention to the reported, as tabled, from Tom Currie, Strategic Manager for Safer Communities. The Board, at its meeting on 9 July 2009, had received a report dealing with anti-social behaviour issues relating to Telford Town Park. In addition, the point had been made that, while the police, CSOs, and Council staff all had a key role in combating anti-social behaviour, Wardens (Rangers) were not accredited to issue Fixed Penalty Notices (FPNs) but could be granted that power. The Scrutiny Manager had, therefore, proposed that the Board should make a recommendation to the Cabinet for the accreditation of appropriate officers to be considered and that the Town Park could be used as a pilot scheme which, if successful, could be extended to cover other areas of the Council's services, such as cleansing and environmental maintenance. However, this recommendation had proved to be difficult to carry through at this point in time and a number of legitimate concerns had been raised, as set out in the tabled report.

The Chairman, therefore proposed that, given the Board's legislative authority to scrutinise the Crime & Disorder Reduction Partnership with effective from 1 October 2009, a more thematic overview of anti-social behaviour in the Borough might be more conducive to the Overview & Scrutiny arrangements, within which framework the full range of tools and powers available to the Council could be reviewed and considered. Within this review actions to reduce anti-social behaviour and plans to address this in the future could be considered in a systematic manner. As the first stage in this process, Tom Currie, the Strategic Manager for Safer Communities had been invited to attend the meeting of the Board on 24 September, 2009
Members indicated their approval of this proposed course of action.

Attendance at Special Interest Meetings (SIM)

The Chairman said that a number of SIMs had now been held and it had become clear that the number of members required to call a SIM, i.e. three, might be too small as at some meetings only two members had eventually

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attended and had been out-numbered by the officers present. He therefore, sought the Board's views on raising the required minimum number of members to four.

Members were of the view that the required number of members for a SIM should remain at three and that a meeting should go ahead even if only two members were present. However, it was also agreed that the decision to cancel a meeting due to members being unable to attend should be left to the individual Chairman of the SIMs.

In-depth Review on 'Keeping Members Informed'

In light of the issues around TSLEC and more general issues about the need for members to be kept informed, the Chairman proposed that the In-depth Review on this issue should be brought forward but as a Spotlight Review rather than a full In-depth Review. This was agreed by the Board.

Prioritisation of In-depth, Special Interest and Spotlight Reviews

The Head of Finance & Audit updated the Board on the staffing changes within Scrutiny which would result in the section being under-resourced until early 2010. Given that there were still 'old year' reviews to be completed and 'new year' reviews to be commenced, together with the Spotlight Reviews and Special Interest Meetings, he sought the Board's guidance on prioritising this work. Following a discussion, it was agreed that the 'old year' reviews should be completed first and that the Chairman and the Head of Finance & Audit should decided on the priority to be given to other work in line with the available resources.

SLB-73 SCRUTINY FORWARD PLAN – AGENDA ITEMS 2009-10

The Board noted the Forward Plan of agenda items scheduled for its meetings in 2009-10 as set out in Appendix F.

SLB-74 TELFORD & WREKIN COUNCIL FORWARD PLAN – EDITION 96

The Board noted the current edition of the Council's Forward Plan, as set out in Appendix G.

SLB-75 DATE OF NEXT MEETING

Members noted that the next scheduled meeting of the Board would take place on Thursday, 24 September, 2009.

The meeting ended at 5.55 p.m.

Chairman:

Date:

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SCRUTINY LEADERSHIP BOARD

Minutes of a meeting of the Scrutiny Leadership Board held on 24 September, 2009 at 4.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors D.R.W. White (Chairman), R. Aveley, J.A. Francis, A.A. Mackenzie, A.A. Meredith and K.L. Tomlinson

ALSO PRESENT: Councillor E.J. Carter (for Minute No. SLB-80), Councillor W.L. Tomlinson (co-optee – VFM Scrutiny Group), David Johnson (Head of Human Resources), Marie Whitefoot (Organisational Development Manager), Ken Clarke (Head of Finance & Audit), Phil Griffiths (Democratic Services Manager), Alex Urka (Performance & Strategy Manager – Safer Communities), Nigel Newman (Corporate Communications Manager) and Stephanie Jones (Scrutiny Officer)

SLB-76 APOLOGIES FOR ABSENCE

None.

SLB-77 DECLARATIONS OF INTEREST/PARTY WHIP

None.

SLB-78 SCRUTINY OF THE SAFER & STRONGER COMMUNITIES PARTNERSHIP

The report of the Head of Finance & Audit summarised the changes to be made to the Council's scrutiny arrangements as required by The Police & Justice Act 2006 and subsequent amendments and regulations. These required each local authority to have a Crime and Disorder Committee with the power to review, scrutinise, and to make reports and recommendations regarding the functioning of responsible authorities. The Home Office had produced guidance for local authorities and partners on implementing these requirements, and the report proposed ways in which this scrutiny could be carried out. As Members were aware, at the beginning of 2009 it had been agreed that the Scrutiny Leadership Board would be the designated body and its terms of reference had been amended accordingly.

The report set out the role that the Scrutiny Leadership Board would be expected to take in crime and disorder issues. With regard to Home Office Guidance, the Board had previously agreed, at its meeting on 23 June 2009, to co-opt a member of the Police Authority onto the Scrutiny Leadership Board when policing matters were being considered and it was noted that the West Mercia Police Authority had nominated Councillor Kuldip Singh Sahota to become a co-optee in this capacity.

Crime & Disorder Reduction Partnerships (CDRPs) were introduced by the Crime & Disorder Act 1998 to ensure that a number of prescribed "responsible authorities" worked together to develop and implement strategies to reduce

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crime, disorder, anti-social behaviour, substance misuse and behaviour adversely affecting the local environment. In addition, responsible authorities had a duty to work in co-operation with the “co-operating bodies”, as detailed in the report. The CDRP for Telford & Wrekin was known as the Safer & Stronger Communities Partnership with its main tasks as summarised in the report.

The Council had long established working arrangements and relationships with the CDRP and other partnerships within Telford & Wrekin and it was important that the new scrutiny powers were used to “add value” to the existing system rather than being seen as an unnecessary level of bureaucracy. The Board was, therefore, requested to agree in what manner the scrutiny of the Safer & Stronger Communities Partnership would be undertaken. As the Government believed that Section 17 of the Crime & Disorder Act should be the principle vehicle for mainstreaming community safety, scrutiny could ensure that crime and disorder considerations were built into the Council’s governance and decision making processes, policies, strategies, plans, budgets and delivery of key services. In conclusion, it was proposed that a meeting should be held of the Scrutiny Leadership Board and the Executive Board of the Safer & Stronger Communities Partnership to discuss and agree the agenda setting for future scrutiny of the CRDP.

The Performance & Strategy Manager for Safer Communities was invited to speak to the Board and highlighted a number of issues for Members to consider. He said that, while Telford was a low crime area as compared to other parts of the country, people’s perceptions did not always reflect this reality. External consultants had made recommendations on ways in which community safety could become a mainstream activity within the Council. One of the recommendations was that a paragraph should be added to all committee reports setting out the community safety implications, which would provide an audit trail of any decision made but this was not specifically supported.

Members welcomed the opportunity to scrutinise community safety issues and to work more closely with the Safer & Stronger Communities Partnership. The Scrutiny Manager reported that discussions had taken place with the Executive Board of the Partnership on where to focus scrutiny’s work in the first instance and how to take this work forward. Councillor K.L. Tomlinson suggested that she and the Chairman should discuss the possible format of scrutiny of the Safer & Stronger Communities Partnership and report back to the Board with their ideas and this was agreed.

RESOLVED:

- (a) that the legislative requirements on the Council to implement a process for scrutinising the local Safer & Stronger Communities Partnership be noted;**

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- (b) that the arrangements proposed in the report for carrying out scrutiny of the Safer & Stronger Communities Partnership be agreed.

SLB-79 EMPLOYEE SURVEY 2009

The Organisational Development Manager gave a presentation outlining the methodology and results of the 2009 Survey. She highlighted that all employees, excluding those in schools, had been surveyed and the response had been the highest yet following the introduction of an option for on-line access. The results of the Survey had proved to be statistically significant, covering a wide spectrum of employees.

Detailed work on the Survey was still being undertaken but the presentation set out the key results. With regard to the questions relating to 'Working for the Council', the results for 2009 were slightly down on the results for 2007 but not to a statistically significant extent and they remained well above the local government benchmark figures. Although a number of key areas showed a decrease over the 2007 results, the percentage of employees who were, overall, satisfied with their job was 77%, an increase of 2% over 2007. One area that had recorded a significant decrease since 2007 was that of communication across the Council and overall satisfaction with the career development opportunities available had consistently remained below the local government bench mark figure.

Feedback from the 2007 Survey had shown that the questions relating to "bullying" had been considered inappropriate and for 2009 this had been changed to "workplace behaviour", which included categories other than bullying. As a result 9% of employees had indicated that they felt they had been subject to some serious or unreasonable behaviour. In summary, the Survey showed the impact of recent changes and uncertainty but, nevertheless, a high proportion of employees remained very positive about their jobs and opportunities for personal growth. Key areas for action were improved commitment to the organisation as a whole, leadership development, change management and communications.

Councillor E.J. Carter was invited to speak and commented that in times of change it was critical that employees were involved and given assurances before any recommendations arising from the Survey were implemented. He asked that a family tree of the Council's structure be made available to facilitate communication across all levels and to prevent employees feeling disengaged from the authority as a whole. The Chairman commented that work should be undertaken to try and identify which groups of employees had expressed dissatisfaction and their reasons. In response the Head of Human Resources said that work was currently underway on providing a family tree which would be made available on-line. Consultation with employees on the results would take place through Focus Groups with the corporate focus being led by the Chief Executive, who wished to see employees identifying with the Council as one body, rather than with their own service area. The Organisational Development Manager added that a Corporate Action Plan

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had been drawn up and each service area would be given access to its own data in order to identify areas of dissatisfaction and so put their individual Action Plans in place. In addition the Council could learn from Best Practice at other authorities.

In conclusion, the Chairman stressed the need for communication across the Council and said that, as many other councils were currently undergoing extensive changes, it would be interesting to compare Telford & Wrekin's next Survey results with those of local government overall. He asked that a further report be submitted to the Board setting out the detail of the Actions Plans being drawn up.

SLB-80 SCRUTINY AND THE MEDIA

Members had previously expressed concern at the level of interest shown by the local media to the work of scrutiny and its meetings and had invited the Corporate Communications Manager to attend the meeting to advise them on what action could be taken address this.

He informed the Board that part of issue was that the media had constraints on its resources and wanted outcomes to report upon whilst scrutiny was a reviewing process rather than an immediate decision making process. In the first instance the Board needed to decide what opportunities it had for publicity and what message it wanted to give to the public. Some issues considered by scrutiny would resonate with the public but its processes were generally perceived as difficult and impenetrable and needed to be broken down into more easily understood 'bite sized chunks'.

He, therefore, suggested that the Lead Scrutiny Members should meet in advance of issues they wished to publicise to plan their response and which form of publicity to use. As media organisations could only be invited to attend meetings, he suggested that the Board should consider other ways of publicising its work. The Shropshire Star was only read by half of the Borough and it might be more useful to contact people directly through community groups, interest groups, etc. rather than relying upon them accessing detailed reports. In conclusion, he referred the Board to the Protocol for the issuing of press releases and it was agreed that a copy be circulated to the Members of the Board.

Members discussed in detail ways of informing the public of the role of scrutiny and it was suggested that a list of appropriate organisations and community groups which could be contacted should be compiled. The Chairman said that the recommendations of scrutiny reports could affect many people, who needed to be identified and contacted, so that representatives could be invited to scrutiny meetings. Councillor W.L. Tomlinson agreed and said that there should be an 'outreach to groups' to ask them what work they would like to see scrutiny undertaking.

In conclusion, it was agreed that scrutiny officers would contact the Public Relations Section on a regular basis and raise live and current issues, as prompted by Members, which needed publicising.

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SLB-81 THE FORWARD PLAN

The Scrutiny Leadership Board, at its meeting on 23rd June, 2009 had requested further information on the Council's Forward Plan and the report of the Head of Finance & Audit set out the relevant legal requirements and the purpose of the Plan, which was to give the public advance notification of key matters that were to be dealt with under executive (cabinet) arrangements. However, it was not the purpose of the Forward Plan to provide detailed information about each proposed key decision but to provide a contact point for those people seeking more information or wishing to take part in a consultation exercise.

The information given for each item in the Forward Plan was in line with the requirements of the appropriate Regulations and there was, therefore, little scope for change. In terms of identifying the subject matter of each key decision, Telford & Wrekin's Forward Plan contained more information than that provided in the Plans of many other councils. In addition, some Key Decisions related to exempt information and, as the Forward Plan was a public document, care had to be taken that no sensitive information was included.

The Telford & Wrekin Plan contained a number of "Standard Items", which appeared in each Edition and which meant that, for regular reports on a particular matter, report authors could rely on a generic heading in the Forward Plan rather than having to submit a separate entry for every report. However, it did not mean there were necessarily key decisions relating to all these items during any one Forward Plan period. While this was more efficient operationally, it was agreed that such entries were not always transparent.

During the discussion on this issue, Members were informed that Democratic Services, which was responsible for the preparation of the Forward Plan, was not always able to obtain all the information required for the Forward Plan and the Head of Finance & Audit said that this was an issue that needed to be addressed corporately. The Head of Finance & Audit asked that, in addition to the suggestions put forward in the report, a separate document be prepared for lead scrutiny members detailing the reports that would be considered by forthcoming Cabinet meetings with a brief outline of each report's purpose.

SLB-82 PREPARATION FOR SCRUTINY ASSEMBLY MEETING ON 12 OCTOBER, 2009

The Head of Finance & Audit informed the Board that two questions had been submitted by Mel Ward and Dilys Davies, two of the co-opted Scrutiny Assembly Members. In addition, a set of possible questions was put before the Board for approval. Following a discussion it was agreed that the question submitted by Mel Ward be accepted and that by Dilys Davies be accepted subject to her agreement to withdraw her supplementary question for the purposes of brevity. The list of suggested questions was agreed subject to No. 2 being amended to ask what figure had been aside for the relocation of the Civic Offices.

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The Board Members were asked if there were any further questions that they wished to put forward. Councillor K.L. Tomlinson suggested that a question on youth club buses could be asked and it was agreed that this should be submitted in advance, rather than asked at the meeting, as there would be financial implications to be taken into account. Members noted that any further questions or any supplementary questions could be asked at the meeting.

SLB-83 UPDATE ON IMPLEMENTATION OF PAST RECOMMENDATIONS

The update presented to the Board dealt only with those recommendations that had not yet been completed or where no update had been provided by the responsible officer. Items where information on dates and update position were missing were indicated in red and it was agreed that the responsible officer be given a deadline of two weeks to provide these and, if not received, for the relevant Cabinet Member to be invited to speak to the Scrutiny Leadership Board. On this basis, it was agreed that the Business Manager: Transport be invited to give an oral update on the Review of School Travel to a future meeting of the Board. If Members had any concerns or required clarification regarding any other reviews, they were asked to contact the Scrutiny officers.

SLB-84 SCRUTINY WORK PROGRAMME

The Head of Finance & Audit reminded the Board that a Work Programme Workshop had been scheduled for January 2010. However, in view of the two year work programme agreed in January 2009 and the reduction in the resources currently available to Scrutiny, he asked Members if they wished to hold this event or whether they would prefer to first deal with the work already identified in the Programme. Members agreed that sufficient items had already been identified and, therefore, a Workshop should not be held.

SLB-85 RECOMMENDATIONS FROM VFM SCRUTINY GROUP TO CABINET – TRANSPORT SERVICE REVIEW

The report of the Head of Finance & Audit informed the Board of the outcome of a meeting of the Value for Money (VFM) Scrutiny Group held on 9th September 2009 at which the Transport Service Review report was considered. The Group had been disappointed that it had not been directly consulted regarding the proposals of the Review and had not had the opportunity to feed into the process before they were presented to the Cabinet. It had broadly welcomed the findings of the Review, as it encapsulated the ethos of the VFM Scrutiny Group in maintaining or improving the standard of services whilst making savings, but Members had some concerns regarding the terms of the contract and in particular whether the Council was obtaining best value for money from the fees payable to the consultants. The Group's recommendations in respect of this Review were as set out in the report.

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Councillor W.L. Tomlinson, Chairman of the VFM Scrutiny Group added that, whilst he accepted that this situation may have resulted from timing constraints, he asked that an opportunity for all future Service Reviews to be considered before submission to Cabinet be built into the process. With regard to future Service reviews, he said that more transparency in the process was required including scrutiny of the consultants' fees.

RESOLVED – that it be noted:

- (a) that all future Service Review reports should be considered by the Value for Money Scrutiny Group prior to their consideration by Cabinet so that VfM Members' comments could be considered by Cabinet Members prior to final decisions being taken;
- (b) that the Group did not support the proposals for Post-16 travel given the comparatively low level of pupils accessing post 16 education, particularly in South Telford, and wished to ensure that students and families were not disadvantaged by the Council requesting contributions towards transport costs;
- (c) that the Group echoed the sentiments of the report with regard to, and stressed the importance of, a sympathetic and caring approach when dealing with potential redundancies and requested that necessary reductions in employee numbers be managed through redeployment and 'natural wastage' wherever possible;
- (d) that the Group had requested that the services provided by Travel Link should continue to be provided (although not necessarily in the current form);
- (e) that the Group was concerned that transport provision for vulnerable people and Looked-After Children should be made in consultation with the Social Worker and that after reasonable challenge the final decision on the appropriate transport arrangements for these people should be made by the Social Worker;
- (f) That the VfM Group received an update from the relevant Cabinet Member in 12 months time on progress made on implementation of the Review;
- (g) that, once the initial package of service reviews had been completed, Members of the VfM Group would like to be consulted on the amount and basis of fees payable to consultants engaged to support any further service reviews.

SLB-86 **APPROVAL OF SCRUTINY REVIEWS**

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Councillor K.L. Tomlinson introduced the Review of Section 106 Planning Agreements which had been undertaken as Members were aware that the Section 106 “pot” had grown to many millions of pounds and were concerned that this was a sign of a lack of management controls being in place. In addition, there appeared to be some confusion about the process for negotiating Section 106 Agreements and whether the process was being utilised to its greatest effect.

The review had had three main objectives:

- To evaluate how effectively the resources secured through Section 106 Agreements are managed and utilised.
- To evaluate the impact of changes to Government policy on Section 106 Agreements.
- To make recommendations to the Cabinet to improve effectiveness of the Section 106 Agreement process in the future.

The Review Group had been reassured that the Council had robust processes for negotiating, recording and managing the money received through Section 106 Agreements. However, the Members had wished to make some recommendations, as set out in the Review, but these were only for relatively small adjustments to existing operational processes rather than recommendations for wholesale change.

The Board welcomed the Review and its recommendations, in particular, Nos. 1 and 2. No.1 recommended that consideration be given to including more detail of specific Section 106 Agreements on a planning permission to provide more clarity to members of the public, Ward Members and Parish Councillors. No. 2 recommended that discussions on the priorities for inclusion in a Section 106 Agreement at the beginning of the process for medium and larger developments should include Ward Members as appropriate.

SLB-87 CHAIRMAN’S UPDATE

The Chairman informed the Board that this would be Alison Smith’s last meeting before leaving the Council and she was thanked for all the work she had done for Scrutiny.

SLB-88 SCRUTINY FORWARD PLAN 2009

The updated Scrutiny Forward Plan for 2009-10 was noted by the Board.

SLB-89 DATE OF NEXT MEETING

Members noted that the next scheduled meeting of the Scrutiny Leadership Board would take place on 19 November, 2009.

The meeting ended at 6.35 p.m.

Chairman:

Date:

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Wednesday, 23rd September 2009 at 6.00 pm in the Scrutiny Meeting Room, Civic Offices, Telford

PRESENT: D.Wright (Chairman), R.K.Austin, L.Lomax and W.L.Tomlinson.

OFFICERS PRESENT: Paul Clifford – Interim Corporate Director: Resources, Ken Clarke – Head of Finance & Audit, Pauline Harris – Corporate Finance Manager, Bernie Morris – Finance Manager – Treasury & Capital, Rob Montgomery – Group Auditor, Mike McDonagh – Partner KPMG LLP (UK), Andrew Cardoza – Senior Manager KPMG LLP (UK) and Andrew Roberts – Democratic Services Officer.

AUC-26 MINUTES

RESOLVED – that the minutes of the meeting of the Audit Committee held on 28th July 2009 be confirmed and signed by the Chairman.

AUC-27 APOLOGIES FOR ABSENCE

Councillor I.T.W.Fletcher (Vice-Chairman).

AUC-28 DECLARATIONS OF INTEREST

None.

AUC-29 ANNUAL GOVERNANCE REPORT 2008/09

The Committee received the report from KPMG in connection with the Annual Governance Report for the period ending 31st March 2009 which had been undertaken in accordance with the Audit Commission's Code of Audit Practice. The report summarised KPMG's work in the identification of the key issues during their audit of the Council's Financial Statements together with their assessment of the Council's arrangements to secure value for money in the use of resources.

Members were informed by KPMG that the external auditors were required to conclude whether the Council had adequate arrangements in place to ensure the effective use of its resources. This was measured against the Audit Commission's Use of Resources Assessment Framework. Members were further informed that this framework had been revised by the Audit Commission for 2008/09 and was significantly more challenging than previous assessments. The Committee were advised that based on the framework the Council had made proper arrangements to secure economy, efficiency and effectiveness in the use of resources. The Council had received an overall assessment score of 2 although areas of good practice had been identified in particular in Internal Control & Risk Management and in Asset Management (where the assessed score was 3 in these areas). Members were referred to the specific comments contained within Section 2 of the report.

In relation to the audited financial statements of the Council KPMG reminded the Committee that the Council was responsible for having effective systems in place to ensure the regularity and lawfulness of transactions, to maintain proper accounting records and to prepare financial statements that present fairly the financial position of the Council and its expenditure and income. Members were informed that KPMG had substantially completed their work on the 2008/09 financial statements. An improvement in the quality of the accounts and the supporting papers had been noted together with a reduction in the number of adjustments. The Committee were referred to the detailed comments in connection with the financial statements as contained within Section 3 of the report.

Members were further informed that there were a small number of minor matters outstanding and subject to these matters being resolved to KPMG's satisfaction it is anticipated that an unqualified opinion would be issued in accordance with the 30th September deadline.

Councillor Tomlinson enquired as to whether it would be possible to receive some benchmarking statistics that would indicate the comparative position of the Council's Use of Resources rating. By way of response KPMG indicated that within the Councils that they audited that they were unaware of any Council that received the top score, only one known council who had achieved an overall score of 3 – there were no known scores of 1 – which left the majority of councils rated at a score of 2. It was further confirmed that the requested comparative details could be included within the forthcoming Annual Audit Letter that would be published in December.

Councillor Tomlinson also enquired as to whether any specific guidance from KPMG could be provided to the Council that if actioned would result in a direct increase in the overall assessed score of the Council. In answer to this enquiry Mike McDonagh indicated that would be happy to reflect on the scores and provide further guidance – however it was unlikely that the following of any further specific advice from KPMG in itself would lead to a definite uprating of the scores obtained by the Council.

Councillor Lomax considered that it would be beneficial to obtain further information on other council's best practice which could be submitted to the Council's Value for Money Scrutiny Group. Councillor Tomlinson extended this to state that regard should be given to a consideration of the likely cost implications to the introduction of new initiatives when balanced against any future benefits including any revised scores. He did enquire as to whether information could be obtained by KPMG as to whether they could provide examples of best practice from other councils. KPMG advised that enquiries would be made for a 1 hour slot to a future meeting of the Value for Money Scrutiny Group.

RESOLVED – that the KPMG Annual Governance Report 2008/09 for Telford & Wrekin Council be noted.

AUC-30 ANNUAL REPORT AND STATEMENT OF ACCOUNTS
2008/09

The report of the Interim Corporate Director: Resources was received which sought to inform Members of the outcome of the audit of the Council's accounts for 2008/09 and present the Statement of Accounts for approval.

The Committee were reminded that in accordance with the Accounts and Audit Regulations (2003) it was required that the Council should report its 2008/09 annual accounts to Council in the prescribed format by the end of June. It was noted that a draft statement of accounts was approved by Council and signed by the Speaker on the 25th June 2009. Members were further informed that the regulations also stipulated that the final audited accounts should be published by the 30th September and in accordance with the relevant regulation the final audited accounts as attached to the report at Appendix A were formally presented to the Audit Committee for approval prior to publication. Members were reminded that following the Council meeting that was held on 25th June the Audit Committee had been given delegated authority to approve the Council's final audited Statement of Accounts.

Members were advised that KPMG, the Council's external auditors, had substantially completed their work and that an unqualified audit opinion was anticipated. It was reported however that a small number of audit areas remained to be completed and that there may also be some minor presentational changes required prior to publication. As a result of this the Committee were accordingly requested to grant delegated authority to the Head of Finance & Audit, following consultation with the Cabinet Member for Resources to formally finalise the statement of accounts, if the audit areas as detailed above remained uncompleted.

Following final approval and completion of the audit, the Statement of Accounts would be made available on the Council's web site, at libraries and in reception areas. An annual report which would incorporate a summary of the Statement of Accounts would also be included in the new style Insight publication later in the year.

Members were referred to the content of the report that indicated that the overall underspend had decreased very slightly by £2,000 following the audit which related to the difference between the NNDR grant claim form and the NNDR income figure included in the accounts. It was confirmed to the Committee that this change had resulted in a change to the General Fund balances position by £2,000. The Committee was also referred to a number of other adjustments in the accounts as outlined within the report that had been made after discussion with KPMG during the course of the final accounts audit. None of these impacted on the General Fund Balance position that had been previously reported. It was further reported that the Council was again anticipating the receipt of an unqualified audit report.

The Committee were also referred to the earlier report that had been submitted earlier in connection with the Annual Governance report from the external auditors.

A number of Members enquired as to whether the Statement of Accounts could be produced earlier and following a discussion KPMG agreed that this could be possible although regard would have to be given towards any holiday commitments of key staff either within the Council or KPMG.

RESOLVED – that

- (a) **the final 2008/09 Statement of Accounts as annexed to the report be formally approved for an on behalf of the Council; and,**
- (b) **if the audit has not been completed that delegated authority be granted to the Head of Finance & Audit following consultation with the Cabinet Member: Resources to make any final changes required to the Statement of Accounts prior to publication.**

**AUC-31 TREASURY MANAGEMENT – INTERNAL AUDIT REVIEW
AGAINST THE AUDIT COMMISSION “RISK & RETURN”
REPORT**

The joint report of the Head of Finance & Audit and the Audit & Risk Manager sought to update Members on the work that had been undertaken by Internal Audit in relation to the Council’s Treasury Management arrangements and the Audit Commission’s report entitled “Risk & Return”.

Members were informed that from the end of September the Audit Committee would have their terms of reference extended to include responsibility for reviewing the Council’s Treasury Management arrangements and making recommendations to Cabinet. The Committee were further reminded of the collapse of the Icelandic Banks in September 2008 and following these events the Audit Commission had produced a report entitled “Risk & Return” in late March 2009 which set out the lessons that had been learned and further outlined the best practice that should be followed for Investment and Borrowing in local authorities.

At around the publication of this report Internal Audit had been requested by the Interim Corporate Director Resources to review the Council’s Treasury Management arrangements against these guidelines alongside their normal annual audit work. The report submitted to the Audit Committee the results of this Internal Audit review and outlined the actions that would be required by the Council to ensure that it continued to operate in accordance with the best practice guidelines. Members were informed that the Council’s external auditors, KPMG, would utilise the work of Internal Audit to assist them in their assessment of the Council’s response to the Audit Commission report. It was further mentioned that all external auditors had been requested to report back on this to the Audit Commission by October 2009.

The Committee were informed that the audit review was undertaken during July 2009, to provide an opinion on the control environment together with the provision of a level of assurance for Treasury Management. In addition to the standard assurance areas the audit covered compliance with the Audit Commission – Risk and Return report that was issued in March 2009. It was reported that the audit findings had provided the Head of Finance & Audit with

an action plan for the Treasury Management Team to implement to ensure that best practice was being followed. However, the development of the action plan was initially delayed due to the work pressures associated with the closedown of the annual accounts.

Members were referred to the summary Treasury Management report that was attached to the report that detailed the actions required to ensure that the Treasury Management function was compliant with the Audit Commission's best practice guidelines.

The Committee noted that 23 best practice areas had been reviewed against the recent Audit Commission report. Compliance had been judged to be generally good but there were 18 areas where it had been identified that improvements could be made to ensure that the Council was meeting the best practice standards. The Chairman, Councillor Wright pointed out that in relation to the recommendations none related to legal or financial responsibilities.

Councillor Tomlinson referred to the recommendation reference number 1 within the detailed report in which it was stated that it had been agreed that the Audit Committee would receive future treasury reports. He commented that this provision was not within the remit of the terms of reference of the Audit Committee. By way of response it was agreed that the terms of reference would require amendment to take account of this by reference to the Council Constitution Committee for onward submission to Full Council for formal approval. As a result of this the Committee noted that it would commence receiving future treasury reports from the 1st December 2009.

Councillor Wright also made reference to any possible date slippage. By way of response the Group Auditor replied that there was a determination to ensure that there would be no such slippage and that all the dates contained within the recommendations were complied with. It was reported that a follow up audit would be undertaken early in the New Year, the results of which would be reported to a future meeting of the Committee

RESOLVED – that the contents of the Treasury Management Summary as attached at Appendix A of the report be noted.

AUC-32 ANNUAL REVIEW OF TERMS OF REFERENCE

The Committee received the report of the Interim Corporate Director: Resources which requested the members of the Audit Committee to review the terms of reference of the Committee and that any suggested amendments would be submitted to the forthcoming meeting of the Council's Constitution Committee that would be held on 27th October 2009. Members were also requested to note that in future the annual review of the committee's terms of reference would take place at the first meeting following the Annual Council Meeting (as had been agreed by the Council's Constitution Committee at its meeting that was held on 3rd September 2009).

Members were reminded that the Audit Committees terms of reference specified that the terms of reference should be reviewed annually. It was

pointed out that they were last reviewed in September 2008 and agreed by Council on 11th December 2008. Members were further requested to note that if there were any suggestions for changes that these would be presented to the Council's Constitution Committee on 27th October 2009 and would be effective following agreement at Council on 26th November 2009.

The Committee were advised that the terms of reference had already been revised during 2009/10 and agreed by Council on 25th June 2009. The amendment was to the statement of accounts section whereby the Committee now had the delegated responsibility to approve the Statement of Accounts on behalf of the Council. Members were reminded that previously the Committee reviewed them prior to final approval by Full Council.

Members were further informed that the Council's Constitution Committee on 3rd September 2009 had agreed to recommend to Council further changes to the Audit Committee terms of reference. This was an additional responsibility within the Governance Section – "To consider and review the Council's Treasury Management arrangements including Treasury policies, procedures and the management of the associated risks."

This change had been made in response to the "Risk and Return" report issued by the Audit Commission in March 2009 which made recommendations to local authorities in respect to the governance of their Treasury management activities following the collapse of a number of Icelandic Banks. This had been detailed in the earlier part of the meeting that had considered the Council's Treasury Management activities.

It was confirmed to the Committee that no other changes had been included or reported to members at this point but members were formally requested to review the revised terms of reference and make any further suggestions. Future reviews of the terms of reference would be held in June 2010 following the Annual Council meeting. Councillor Tomlinson requested that regard should be given for the need to undertake any change to the terms of reference that might be required at short notice and not to be in a position that no amendments could be considered other than at the meeting following Annual Council.

Councillor Tomlinson requested as to whether an additional paragraph which would refer to the recent invitations to relevant Cabinet Members and lead officers in order for them to provide assurance within their portfolios and business units.

Councillor Lomax enquired as to whether a greater emphasis could be included that would amplify the open nature of the committee. By way of response the Head of Finance & Audit indicated that committee meetings were always considered to be open to the press and public and that all agendas were published in an identical method as for other Council meetings.

KPMG also offered to review the current terms of reference of the Committee and to benchmark them with other authorities and advise the Council of the results of this exercise.

RESOLVED – that

- (a) **the Members of the Audit Committee following their review that the Terms of Reference of the Audit Committee as attached at Appendix A of the report be agreed; and,**
- (b) **that it is noted that the next scheduled review of the Audit Committee Terms of Reference will be undertaken in June 2010.**

AUC-33 AUDIT COMMITTEE ANNUAL REPORT 2008/09

The report of the Interim Corporate Director: Resources was received which sought to present to the Committee the Annual Report on the operation of the Audit Committee during 2008/09. Members were reminded that the Audit Committee was separated from the Standards and Audit Committee for the municipal year 2008/09 and the Members were reminded of the key benefits of the Audit Committee as outlined within the report. The Committee was further informed that this report would also be submitted to the next meeting of Full Council.

The Committee were further advised that as it was the key assurance Committee of the Council it was accepted best practice that an Annual Report should be presented to the Council on the operations of the Committee during the municipal year. This was the first report to Council on the operations of the Audit Committee and was structured based on the terms of reference that were operational during the year as attached at Appendix A to the report. Members were also referred to Appendix B which provided a summary of the business conducted by the Committee during the period under each section of the terms of reference.

Members were informed that In connection with the Internal Audit team officers had continued to provide reports on their activities and highlighted areas requiring attention by members. It was further mentioned that the Committee had requested additional information towards the end of the year in respect to budgeted and actual Internal Audit time and this has been incorporated into quarter 4 2008/09 and the 2009/10 update reports.

It was further noted that as a result of Internal Audit reports the Committee had received Members had invited the Head of Leisure and Culture to attend at a meeting of the Committee to provide assurance that improvements to Leisure Centre controls were being implemented and appropriate action had been taken. It had been concluded that these individual meetings with officers within the Council had been considered useful as it enabled the Committee to raise their concerns and be satisfied that action was being taken in a number of areas.

The 2007/08 Internal Audit Annual report provided an opinion on the assurance framework and control environment in addition to other information which demonstrated very good performance by the Internal Audit team. It was further reported that the Internal Audit team were part of the CIPFA benchmarking group and the analyses of the results were presented to the Committee. These results demonstrated that the Internal Audit team provided

value for money and compared well with other unitary authorities. The Internal Audit Plan for 2009/10 was presented and approved by the Committee at the March 2009 meeting.

It was confirmed to the Committee that the External Auditors Annual Audit & Inspection Plan 2008/09 was presented to the Committee on two occasions and agreed following fee and risk negotiations between officers and the auditors. The Interim Final Accounts Report 2007/08 was presented and considered by the Committee with 3 medium and 2 low level recommendations made (total of 5). Finally the Annual Governance report 2007/08 – ISA 260 was received which had highlighted that 3 priority 2 recommendations had been made. Following completion of the accounts and Use of Resources assessment the Annual External Audit report 2007/08 was reviewed by the Committee. It was concluded to be a reassuring report with unqualified accounts and some improved scores for Use of Resources. However members were requested to note that the inspection and reporting regime had been changed for 2008/09 which had resulted in the introduction of a much “harder test”.

The Committee were also responsible to oversee and seek assurance that the Council’s risks were being managed properly. It was advised that the Committee had received 3 updates on the key strategic risk register during the year and in March the Cabinet Members for Regeneration and the Environment attended with the Corporate Director: Environment & Regeneration to reassure the Committee on the management of the Housing growth risk. It was also noted that the Committee had requested more detailed descriptions in respect to the impact if the risk had occurred and that the further actions should all have a deadline. These particular changes were being incorporated in the September 2009 review.

In connection with governance the Annual Governance Statement 2007/08 had been approved following consideration of the supporting information which included the review of the effectiveness of the system of internal audit. The Committee again reviewed their effectiveness by way of a survey to members and key officers. Out of this further work had been undertaken but the Committee had concluded that currently no co-opted members were required to bring added skills to the Committee.

Members were reminded that the Statement of Accounts had been reviewed prior to recommendation to Council for approval. The meeting was preceded by a session with key Finance staff who had explained the statements and the changes that had occurred during the 2007/08 Civic Year. It was confirmed that these arrangements would be repeated for the 2008/09 accounts in September 2009.

The updated Anti-Fraud and Corruption Policy 2008 was approved by the Committee and recommended for adoption by the Council in September 2008. The annual report on activity was received in July 2009. It was further noted that monitoring by the Committee of the Speak Up policy was undertaken at the March 2009 meeting. The Committee did not review complaints until the 2009/10 municipal year when the 2008/09 Complaints Annual Report had been presented to the Committee.

In relation to the Committee's general duties and powers it was confirmed that the Committee had reviewed its Terms of Reference in September 2008 and this review had incorporated responsibilities in respect to Anti-Fraud & Corruption. The Committee had also considered how it would relate/work with the Value for Money Scrutiny Group. It agreed that as there are 2 common members that no formal links needed to be set up at the current time. Three members of the Committee had also attended external training provided by Price Waterhouse Coopers. This had reinforced the activities and approach of the Committee.

In connection with the 2008/09 Civic Year it had been concluded that the Committee had experienced a productive year and sought assurance for Members and the Community on the audit, governance, risk management and financial statements of the Council. The annual report concluded that having a dedicated Audit Committee had allowed the committee members to get to know the processes across the Council and that this had resulted in the evidence of a more detailed insight had enabled the committee to challenge and provide assurance. This had been evidence by the Audit Committee and Internal Audit team having been assessed and judged to be performing well in the annual external assessment as part of the Use of Resources.

In relation to the future it was noted that the Committee was not complacent and clearly understood that the Council was about to face some significant challenges and that it must continue to seek and provide appropriate assurance. Most notable of these changes were the proposed amendments to the changes to the regulation and inspection regime, the International Financial Reporting Standards and the Committee's revised role in monitoring the Treasury Management activities of the Council.

The Committee would continue to seek assurances from strategic risk owners and Heads of Service in respect to governance, risk and controls. The Committee had also identified some areas for additional training and these were scheduled for October/November 2009.

Finally Members noted that the vacancy that had commenced in June 2009 remained. However it was recognised that the newly appointed Members would be required to undertake the appropriate level of induction training which would be provided by the Audit & Risk Manager. The further training that had been planned for the autumn alongside the ongoing support from the existing Committee members would help to ensure that the new newly appointed member could develop and contribute to the operations of the Committee.

RESOLVED – that the Audit Committee Annual Report 2008/09 be noted.

AUC-34 DATES OF FUTURE MEETINGS

The Committee noted the future dates of meetings that were scheduled to be held for the remainder of the 2009/10 Civic Year. Members were also reminded of the planned training session that would be held on the 6th October 2009 in relation to Treasury Management, from 4.30 pm until 6.30 pm. There would also be two general refresher training sessions to be held on

2nd November 2009 commencing at 5.30 pm and the 3rd November 2009 commencing at 4.15 pm.

The meeting ended at 7.20 pm.

Chairman:

Date: