

**Mike Owen CPFA**  
**Chief Executive**

*Our Ref* LW  
*Your Ref* OSC/LW  
*Date* 1 December 2015  
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Legal & Democratic Services  
Division

Jayne Hammond LLB (Hons) Solicitor  
Assistant Director of Legal &  
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**TO: All Members of Council**

**Councillors :** Adams, D Bailey, N Bayley, I Bevan, J Black, S Briggs, R Caserta, D Cassidy, M C Connolly, D'Albert, J Daly, E Fitzgerald, L Fitzwalter, I Gartside, J Grimshaw, D Gunther, M Hankey, S Haroon, Harris, P Heneghan, R Hodgkinson, T Holt, K Hussain, T Isherwood, M James, D Jones, Kelly, Kerrison, J Lewis, Mallon, A Matthews, S Nuttall, O'Brien, N Parnell, T Pickstone, Preston, A Quinn, R Shori, A Simpson, Skillen, S Smith, Southworth, S Southworth, T Tariq, Walker, R Walker, S Walmsley, Whitby, M Wiseman and Y Wright

Dear Member/Colleague

**Council**

You are invited to attend a meeting of the Council which will be held as follows:-

<b>Date:</b>	Wednesday, 9 December 2015
<b>Place:</b>	Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

**AGENDA**

The Agenda for the meeting is attached.

Reports are enclosed only for those attending the meeting and for those without access to the Council's Intranet or Website.



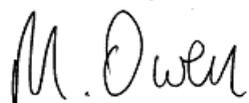
**Electronic service of legal documents accepted only at:**  
**E-mail:** legal.services@bury.gov.uk  
**Fax:** 0161 253 5119

**Town Hall**  
**Knowsley Street**  
**Bury BL9 0SW**  
[www.bury.gov.uk](http://www.bury.gov.uk)

The Agenda and Reports are available on the Council's Intranet for Councillors and Officers and also on the Council's Website at [www.bury.gov.uk](http://www.bury.gov.uk) – click on **Agendas, Minutes and Forward Plan**.

Copies of printed reports can also be obtained on request by contacting the Democratic Services Officer named above.

**Yours sincerely**

A handwritten signature in black ink that reads "M. Owen". The signature is written in a cursive style with a large initial 'M' and a clear 'Owen'.

**Chief Executive**

## AGENDA

### 1 **DECLARATIONS OF INTEREST**

Members of the Council are requested to declare any interests which they have in any items or issues before the Council for determination.

### 2 **MINUTES** (Pages 1 - 8)

To approve as a correct record the Minutes of the last meeting of the Council held on 21 October 2015.

### 3 **MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS**

To receive communications from the Mayor and any announcements by the Leader of the Council or the Chief Executive on matters of interest to the Council.

### 4 **PUBLIC QUESTION TIME**

To answer questions from members of the public, notice of which has been given, on any matter relevant to the Council or its services to the community. Up to 30 minutes will be set aside for this purpose. If time permits, further questions will be invited from members of the public present.

### 5 **RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES** (Pages 9 - 82)

<b>Committee/Date</b>	<b>Subject</b>	<b>Recommendation</b>
Cabinet 25 November 2015	Treasury Management Mid year Review 2015-2016 (Report attached)	That approval be given to amend the 2015/16 Mir Revenue Provision Statement to enable Council to provide for Mir Revenue Provision previously supported G Fund borrowing at 2% in annual instalments over year period commencing April 2015, subject confirmation with the Co External Auditors
Licensing and Safety Panel - 3 December 2015	Gambling Act 2005 Triennial Policy Review (Report attached)	Minute to follow.

### 6 **LEADER' STATEMENT AND CABINET QUESTION TIME** (Pages 83 - 122)

To receive a Statement from the Leader of the Council on the work of the Cabinet and to answer written questions from Members of the Council to the Leader and Cabinet Members on any matter in relation to which the Council has powers or duties which affect the Borough, provided the necessary written

notice has been given.

Verbal questions on the work of the Cabinet since the last Council meeting will be allowed subject to a limit of one question per Councillor.

**7 JOINT AUTHORITIES - REPORT BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS** (Pages 123 - 126)

(A) A report from the Council's representative on the work of Greater Manchester Waste Disposal Authority, Councillor Quinn.

(B) Questions (if any) on the work of the Joint Authorities to be asked by Members of the Council for which the necessary notice has been given in accordance with Council Procedure Rule 11.2

**8 CORPORATE PARENTING BOARD - ANNUAL REPORT** (Pages 127 - 138)

**9 LOCAL SCHEME OF COUNCIL TAX SUPPORT 2016/17** (Pages 139 - 146)

**10 NOTICES OF MOTION**

The following Notices of Motion have been received:-

**(i) Additional Residual Waste Collections**

This Council notes that the Corporate Financial Monitoring Report, approved by Cabinet on 25<sup>th</sup> November, refers to reducing Brown Bin collections in the winter months. In doing this, the report indicates a moderate saving of £35,000 which is to be used to offset the current projected overspend on refuse collection.

This Council notes that projected overspends are usually over cautious and are brought under control by the end of the financial year.

Therefore, this Council resolves to utilise the extra capacity to allow additional collections of the grey residual waste bins, where necessary, over the Christmas period when many households will be dealing with extra non-recyclable packaging.

**In the names of Councillors I Bevan, R Caserta, J Daly, I Gartside, D Gunther, M Hankey, J Harris, R Hodgkinson, K Hussain, G Keeley, S Nuttall, R Walker, and Y Wright**

**(ii) The EU Referendum**

Council welcomes the upcoming referendum on Britain's membership of the European Union, planned to take place before the end of 2017, and the opportunity it provides for a debate on this issue with the people of Bury. Council notes that the EU has many benefits for Bury.

Council also acknowledges the major role of the European Union in advancing many of the social and employment rights we now take for granted - the guarantee of four weeks paid annual leave, strong health

and safety protection in the workplace, statutory maternity rights and paid parental leave and protection from discrimination, to name just a few.

Council notes with concern the many risks involved in leaving the European Union and the impact leaving the EU would have not only on jobs and investment in Bury but also on the employment, social and consumer rights and protections our residents enjoy as a result of EU membership.

Council believes that the UK should remain a member of the EU and endorses this as a policy position of Bury Council.

Council requests the Chief Executive table a report at a future meeting of Full Council quantifying the social and economic benefits to residents of Bury of the UK remaining a member of the EU, to include grants, investment, and jobs dependent on the single market, and the social and economic costs to Bury of the UK leaving the EU.

Council also requests that the Chief Executive explores ways in which the Council, working with partners, could better promote European investment in local projects, organisations and businesses and report the findings to the Overview and Scrutiny Committee

Council further recommends to the Cabinet that the council hosts a summit bringing together representatives from trade unions, local businesses, universities and civil society organisations to discuss the referendum campaign and the impact possible outcomes would have on the borough of Bury.

**In the names of Councillors P Adams, N Bayley, J Black, S Briggs, D Cassidy, M Connolly, E FitzGerald, L Fitzwalter, J Grimshaw, S Haroon, P Heneghan, T Holt, A Isherwood, M James, D Jones, J Kelly, S Kerrison, J Lewis, J Mallon, A Matthews, E O'Brien, N Parnell, C Preston, A Quinn, R Shori, A Simpson, R Skillen, Sarah Southworth, Susan Southworth, T Tariq, J Walker, S Walmsley and M Whitby**

### **(iii) Access to Life Saving Education and Equipment**

Council notes:

- 1 That there are more than 30,000 out of hospital cardiac arrests in the UK each year.
- 2 That the overall survival rate is less than 1 in 10.
- 3 That every minute without cardiopulmonary resuscitation (CPR) and defibrillation reduces the chance of survival by up to 10 per cent.
- 4 Performing CPR can double or triple a person's chance of survival in some cases.
- 5 Compulsory life saving education for every school child has been shown to work in other countries by significantly increasing survival rates.

- 6 That deaths from heart disease and stroke in Bury are higher than the national average.

Council resolves:

- 1 To continue to highlight and promote good heart health through its public health function.
- 2 To work with and to encourage all schools in Bury to introduce life saving education as a part of the curriculum, at an appropriate age.
- 3 To investigate offering life saving education to council employees.
- 4 To use our communication networks to make local communities aware of publicly accessible emergency defibrillators available in their areas
- 5 To achieve an increase in the number of publicly accessible defibrillators in the Borough, both in Council owned buildings, and by working with major retailers, sports and fitness providers and large employers.

**In the names of Councillors T Pickstone and M D'Albert**

**11 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES**

**12 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS**

Questions on the work of Outside Bodies or partnerships on which the Council is represented to be asked by Members of the Council (if any).

**13 DELEGATED DECISIONS OF THE COUNCIL COMMITTEES**

Questions on the delegated decisions made by the Regulatory Committees and Scrutiny Committees contained in the Digest of Decision 4 published since the last ordinary meeting of the Council, providing four clear working days' notices has been given of the question.

Members are asked to bring to the meeting their copy of Digest 4

**Minutes of:** **AN ORDINARY MEETING OF THE COUNCIL**

**Date of Meeting:** 21 October 2015

**Present:** The Worshipful the Mayor (Councillor S Smith), in the Chair; Councillors P Adams, N Bayley, I Bevan, J Black, K S Briggs, R A Caserta, D M Cassidy, M Connolly, M D'Albert, L Fitzwalter, I B Gartside, J Grimshaw, D L Gunther, M Hankey, S Haroon, J Harris, P Heneghan, T Holt, K Hussain, A Isherwood, M A James, D Jones, J Kelly, S Kerrison, J Lewis, J Mallon, A K Matthews, S Nuttall, E O'Brien, N Parnell, T D Pickstone, C Preston, A Quinn, R Shori, A Simpson, R Skillen, Sarah Southworth, Susan Southworth, T Tariq, J Walker, R E Walker, S Walmsley, M Whitby, M Wiseman and Y Wright.

**Apologies from:** Councillors J Daly, E Fitzgerald, R Hodkinson and A Isherwood

**Public attendance:** 20 members of the public attended the meeting

#### **C.400 DECLARATIONS OF INTEREST**

1. Councillor Connolly declared a personal interest in any item which related to staffing as his partner is an employee of the Local Authority Trading Company, Persona. Councillor Connolly also declared a personal interest in respect of the Police Funding Notice of Motion, as the Combined Authority Lead on the Police and Crime Panel
2. Councillor Jones declared a personal interest in any item which related to staffing as his wife is an employee of Bury Council. Councillor Jones also declared a personal interest in respect of the Police Funding Notice of Motion as an ex Police Officer
3. Councillor Bevan declared a personal interest in any item which related to staffing as his wife is an employee within a Bury School.
4. Councillor Mallon declared a personal interest in any item which related to staffing as his wife is an employee within a Bury High School.
5. Councillor Tariq declared a personal interest in respect of the Police Funding Notice of Motion as the Council's Lead Member for Community Safety.

#### **C.401 MINUTES**

##### **RESOLVED:**

That the Minutes of the Meeting of Council held on 9 September 2015 be signed by the Mayor as a true and correct record, subject to the inclusion of a personal declaration of interest on the Magistrates Notice of Motion from Councillor Bevan as a practising solicitor appearing at the Courts.

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Council, 21 October 2015

### C.402 MAYORAL COMMUNICATIONS

1. The Mayor offered birthday congratulations to Councillor Cassidy and presented her with a bouquet of flowers.
2. The Mayor informed Members of the Council of two upcoming events, namely, Remembrance Sunday on 8<sup>th</sup> November and the Civic Ball on 4<sup>th</sup> December.
3. The Mayor informed Members of the recent death of ex-Mayor of the Borough, Mr Paul Nesbit. Members of the Council stood in silent tribute to Mr Nesbit.

### C.403 PUBLIC QUESTION TIME

The Mayor reported the receipt of one written question as set out below:

No	Issue	Questioner	Answered By
1.	Plans to Support Syrian Refugees	Ms A McKay	Councillor Connolly

On inviting questions from members of the public present, the following issues were raised:-

No.	Issue	Questioner	Answered By
1.	Share of Parks/Play Area Funding across the Borough	Mr V Hagan	Councillor Connolly
2.	Children's Special Educational Needs Transport	Mr G Smith	Councillor Connolly
3.	Special Educational Needs Transport incident	Mr M Szervanski	Councillor Connolly
4.	Special Educational Needs Transport incident	Mrs Mortenson	Councillor Connolly
5.	Request for Skate Park in Elton	Mr B Hagan	Councillor Connolly
6.	Children's Special Educational Needs Transport	Ms. N Dyemore	Councillor Connolly
7.	Physiotherapy Services in Radcliffe	Mr I Henderson	Councillor Shori

**C.404 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES****1. Minute LSP.267 of the meeting of the Licensing and Safety Panel held on 2 September 2015 – Review of Statement of Licensing Policy**

It was moved by Councillor Jones and seconded by Councillor Holt and it was:-

**RESOLVED:**

That Council agree to adopt the Licensing Policy as outlined in the report.

**2. Minute CA.378 of the meeting of the Cabinet held on 14 October 2015 – Health and Wellbeing Board Annual report and Refreshed Health and Wellbeing Strategy 2014/15**

It was moved by Councillor Connolly and seconded by Councillor Shori and it was:-

**RESOLVED:**

1. That the Health and Wellbeing Annual Report and Refreshed Health and Wellbeing Strategy be approved.
2. That the membership of the Health and Wellbeing Board be amended to include a representative of the Greater Manchester Fire and Rescue Service.

**C.405 LEADER'S STATEMENT AND CABINET QUESTION TIME****(a) Written question (Notice given)**

The Leader of the Council, Councillor Connolly, made a statement on the work undertaken by him since the date of the last Council meeting.

Prior to the commencement of Cabinet Question Time, Councillor Gartside reported that 3 written questions from the Conservative Group had been ruled out of order in advance of the meeting by the Mayor following legal advice provided by the Monitoring Officer. Councillor Gartside indicated that as a result of this the Conservative Group would take no further part in the meeting.

**(Nb:** At this point in the meeting Councillors Bevan, Caserta, Gartside, Gunther, Hankey, Harris, Nuttall, R E Walker and Wright left the Chamber.)

The Leader of the Council formally placed on record his acknowledgement of the Mayor's ruling and expressed disappointment that the Conservative Group had chosen to leave the meeting.

The Leader and the relevant Cabinet Members answered questions raised by Councillors on the following issues:

<b>No.</b>	<b>Issue</b>	<b>Questioner</b>	<b>Answered by</b>
1.	Business Rates	Councillor Jones	Councillor Shori
2.	Tax Credit Cuts	Councillor Susan Southworth	Councillor Walmsley
3.	Cuts to Social Rents	Councillor J Walker	Councillor Shori
4.	Ivan Lewis MP	Councillor Gunther	Councillor Connolly
5.	Greater Manchester Spatial Framework	Councillor Parnell	Councillor Walmsley
6.	Right to Buy Housing Association Properties	Councillor O'Brien	Councillor Shori
7.	Free Early Learning Places	Councillor James	Councillor Heneghan
8.	Bus Lane Fines	Councillor R Walker	
9.	Homelessness	Councillor Pickstone	Councillor Shori
10.	Careers Advice	Councillor J Walker	Councillor Heneghan
11.	Refuse Collection Savings	Councillor Susan Southworth	Councillor Connolly
12.	Social Isolation	Councillor Parnell	Councillor Simpson
13.	Tax Arrangements	Councillor Harris	Councillor Holt
14.	Persona	Councillor Black	Councillor Simpson
15.	Hate Crime	Councillor Preston	Councillor Tariq
16.	World Mental Health Day	Councillor Adams	Councillor Simpson
17.	Police Commissioner	Councillor Caserta	Councillor Connolly
18.	CAMHS Services	Councillor D'Albert	Councillor Heneghan
19.	Apprentices	Councillor Skillen	Councillor Holt
20.	Council Website	Councillor Kerrison	Councillor Walmsley
21.	Equal Pay Claims	Councillor Gartside	Councillor Shori
22.	GM Broadband Connection Voucher Scheme	Councillor Sarah Southworth	Councillor Connolly
23.	Sale of Fireworks	Councillor Cassidy	Councillor Walmsley
24.	Fuel Poverty	Councillor Mallon	Councillor Shori

25.	Living Wage	Councillor Pickstone	Councillor Shori
26.	Three Weekly Bin Collections	Councillor Black	Councillor Isherwood
27.	Empty Properties	Councillor D'Albert	Councillor Shori

Due to the lack of time to answer questions 14 to 27 inclusive, the Leader gave an undertaking that copies of those questions and responses will be circulated to all Councillors. The Leader also gave an undertaking to make these available on the Council Web Site.

**(b) Oral questions on Leader’s Speech and the work of the Cabinet since the last Council meeting (without Notice)**

1.	Radcliffe Growth and Investment, Leisure, Civics and Housing	Councillor Pickstone	Councillor Connolly
2.	Chinese Investment in the Economy	Councillor Quinn	Councillor Connolly
3.	Civic Venues	Councillor James	Councillor Connolly
4.	Ambulance Response Times	Councillor Mallon	Councillor Connolly

**C.406 JOINT AUTHORITIES – REPORTS BY THE COUNCIL’S REPRESENTATIVE AND QUESTIONS**

- (a) Councillor Connolly, the Council’s representative on the Greater Manchester Police and Crime Panel gave a verbal report on the work of the Panel to all Members of the Council.
- (b) The following questions had been received in accordance with Council Procedure Rule 11.2.

No.	Issue	Questioner	Answered by
1.	Carriage of Dogs on Metrolink	Councillor D’Albert	Councillor Bayley (Representative on Transport for Greater Manchester)
2.	Impact of Government Spending on the Police	Councillor Pickstone	Councillor Connolly (Representative on the Greater Manchester Police and Crime Panel)
3.	Openness and Transparency Combined Authority and AGMA meetings	Councillor Pickstone	Councillor Connolly (Representative on the Greater Manchester Combined Authority)

**C.407 NOTICES OF MOTION**

Two Notices of Motion had been received and set out in the Summons.

**Plastic Bag Levy**

**A motion had been received and set out in the summons in the names of Councillors M D'Albert and T Pickstone**

It was moved by Councillor Pickstone and seconded by Councillor D'Albert:-

This Council notes:

- That in the last year where figures are available (2013) shops in the UK handed out 8.3 billion plastic carrier bags
- That plastic bags contribute to highly visible litter on our streets and countryside, pose a threat to wildlife and their disposal contributes significantly to green house gas emissions, taking 500 to 1,000 years to degrade.

This Council therefore welcomes:

- The introduction of the Plastic Bag levy introduced by the previous Government which came into force on 5 October 2015.
- That the levy will be distributed to charitable good causes, and the expected reduction in clean-up and waste disposal costs.

This Council resolves:

- To liaise with our large supermarkets, and make available information on their grant schemes to local charities to maximise the amount of the levy which is distributed to local good causes
- Provide information to small businesses in the Borough who may wish to voluntarily charge for plastic bags to maximise the take-up of the scheme within the Borough.

**On being put, with no-one voting against and no abstentions, the Mayor declared the motion carried.**

**2. Police Funding**

**A motion had been received and set out in the summons in the names of Councillors P Adams, N Bayley, J Black, S Briggs, , D Cassidy, M Connolly, E FitzGerald, L Fitzwalter, J Grimshaw, S Haroon, P Heneghan, T Holt, A Isherwood, M James, D Jones, J Kelly, S Kerrison, J Lewis, J Mallon, A Matthews, E O'Brien, N Parnell, C Preston, A Quinn, R Shori, A Simpson, R Skillen, Sarah Southworth, Susan Southworth, T Tariq, J Walker, S Walmsley and M Whitby.**

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It was moved by Councillor Lewis and seconded by Councillor Jones:-

This Council notes that Policing, along with the wider public sector, has faced several years of major challenges due to central Government's unrelenting cuts to funding.

In Greater Manchester, the police have not shied away from these financial challenges, transforming local policing services and working more closely with local authorities and other partner agencies to tackle the issues that place most demand on police services.

However, the latest proposed cuts in funding mean that GMP are now at crisis point. The changing nature and complexity of crime combined with a dwindling budget and the loss of thousands of officers pose extraordinary challenges. Add to that the uncertainty of future police funding and the Police and Crime Commissioner is faced with extremely difficult decisions to ensure the communities of Greater Manchester are kept safe.

We are currently looking at a situation where senior GMP Officers are due to slash another £157m from the Force's Annual Budget by 2019. This will mean hundreds of policing posts being cut. In numbers terms, this means only 4000 Officers left by 2019, half its levels from just five years ago.

Policing needs the necessary resources so that communities such as Bury can be kept as safe as possible. This is fundamental to secure communities, economic prosperity and a socially just society.

This council is very concerned about the outcome of the latest government consultation on police funding, and commits to work with others to further raise the funding issues being faced by GMP.

In the first instance, we will write to the Secretary of State outlining our concerns, as well as entreating both of our Members of Parliament to intercede with the government on behalf of our Borough.

We also ask for a delegation from Bury Council to meet with the Interim Mayor/Greater Manchester Police and Crime Commissioner and his team to put forward Bury's case and to ensure our communities and neighbours are protected as far as possible during this time.

**Prior to the vote on the motion, in excess of eight Councillors requested that voting be recorded to show how each Member cast their vote, in accordance with Council Procedure Rule 17.5.**

**The result of the vote was as follows:-**

For the motion:

**P Adams, N Bayley, J Black, K S Briggs, D M Cassidy, M Connolly, M D'Albert, L Fitzwalter, J Grimshaw, S Haroon, P Heneghan, T Holt, , M A James, D Jones, J Kelly, S Kerrison, J Lewis, J Mallon, A K Matthews, E O'Brien, N A Parnell, T Pickstone, C Preston, A Quinn, R Shori, R Skillen, A Simpson, Sarah Southworth, Susan Southworth, T Tariq, J Walker, S Walmsley, M Whitby and M Wiseman**

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Against the motion:

Abstaining from the motion:

**The Mayor declared the Motion carried.**

### **C.408 SCRUTINY REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES**

There were no Scrutiny Review Reports or specific items "called in" by the Overview and Scrutiny Committee to be considered at this Council meeting.

### **C.409 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS**

There were no questions received in accordance with Council Procedure Rule 11.2.

### **C.410 DELEGATED DECISIONS OF COUNCIL COMMITTEES**

There were no written questions asked on the delegated decisions of the Committees or Scrutiny Committee contained in the Digest of Decisions 3 (2015/16).

## **THE WORSHIPFUL THE MAYOR**

**(NOTE:** The meeting started at 7.00 pm and ended at 9.30 pm)

**REPORT FOR DECISION**

Agenda Item	
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<b>DECISION OF:</b>	<b>CABINET COUNCIL</b>
<b>DATE:</b>	<b>25 NOVEMBER 2015 9 DECEMBER 2015</b>
<b>SUBJECT:</b>	<b>TREASURY MANAGEMENT STRATEGY – MID YEAR REVIEW 2015/16</b>
<b>REPORT FROM:</b>	<b>DEPUTY LEADER OF THE COUNCIL &amp; CABINET MEMBER FOR FINANCE &amp; HOUSING</b>
<b>CONTACT OFFICER:</b>	<b>STEPHEN KENYON, INTERIM EXECUTIVE DIRECTOR OF RESOURCES AND REGULATION</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	The report is within the public domain
<b>SUMMARY:</b>	<p>This mid-year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:</p> <ul style="list-style-type: none"> <li>• An economic update for the 2015/16 financial year to 30 September 2015</li> <li>• A review of the Treasury Management Strategy Statement and Annual Investment Strategy</li> <li>• The Council's capital expenditure (prudential indicators)</li> <li>• A review of the Council's investment portfolio for 2015/16</li> <li>• A review of the Council's borrowing strategy for 2015/16</li> <li>• A review of any debt rescheduling undertaken during 2015/16</li> <li>• A review of compliance with Treasury and Prudential Limits for 2015/16</li> <li>• A review of the Council's MRP (Minimum Revenue Provision) Policy</li> </ul>
<b>OPTIONS &amp;</b>	It is recommended that, in accordance with CIPFA's Code of Practice on Treasury Management, the report be

<p><b>RECOMMENDED OPTION</b></p>	<p>noted.  That approval be given to the change in the Minimum Revenue Provision policy (subject to confirmation with the Council’s External Auditors).</p>
<p><b>IMPLICATIONS:</b></p>	
<p><b>Corporate Aims/Policy Framework:</b></p>	<p>Do the proposals accord with the Policy Framework?      Yes</p>
<p><b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b></p>	<p>Treasury Management is an integral part of the Council’s financial framework and it is essential that the correct strategy is adopted in order to ensure that best value is obtained from the Council’s resources and that assets are safeguarded.</p>
<p><b>Statement by Interim Executive Director of Resources and Regulation:</b></p>	<p>Treasury management activities so far have produced a projected underspending for the year of £0.5m. This will help to support other areas of the Council’s budget that are under pressure from user demand or economic conditions.</p> <p>Revision of the MRP Policy will generate revenue savings in the medium term and ensure existing debt is fully cleared over 50 years.</p> <p>Initial discussions have taken place with the Council’s External Auditors regarding this approach.</p> <p>If Cabinet approve this approach, formal sign off will be obtained from the Auditors prior to consideration by Overview &amp; Scrutiny and Full Council in December</p>
<p><b>Equality/Diversity implications:</b></p>	<p>No</p>
<p><b>Considered by Monitoring Officer:</b></p>	<p>Yes</p>
<p><b>Wards Affected:</b></p>	<p>All</p>
<p><b>Scrutiny Interest:</b></p>	<p>Overview &amp; Scrutiny Committee</p>

**TRACKING/PROCESS**

**DIRECTOR: STEVE KENYON**

<p>Chief Executive/</p>	<p>Cabinet</p>	<p>Ward Members</p>	<p>Partners</p>
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Strategic Leadership Team	Member/Chair		
Yes (Chief Executive)	Yes	N/a	N/a
Scrutiny		Committee	Council
			9 <sup>th</sup> December

**1.0 BACKGROUND**

1.1 The Council operates a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council’s capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

As a consequence treasury management is defined as:

“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

1.2 The Chartered Institute of Public Finance and Accountancy’s (CIPFA) Code of Practice on Treasury Management (revised 2011) was adopted by this Council on 24 February 2010.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council’s treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is: Overview & Scrutiny Committee.

1.3 This report fulfils the requirement to produce a mid-year review.

## **2.0 ECONOMIC UP-DATE (from Treasury Advisors)**

### **2.1 Economic Performance to date**

- 2.1.1 UK GDP growth rates for quarter 1 of 2015 were weak at +0.4% (+2.9% y/y) though there was a rebound in quarter 2 to +0.7% (+2.4% y/y). Growth is expected to weaken to about +0.5% in quarter 3 as the economy faces headwinds for exporters from the appreciation of Sterling against the Euro and weak growth in the EU, China and emerging markets, plus the dampening effect of the Government's continuing austerity programme. Investment expenditure is expected to support growth, however, the Purchasing Manager's Index, (PMI), for services issued on 5 October indicates a further decline in the growth rate to only +0.3% in Q4, which would be the lowest rate since the end of 2012. In addition, worldwide economic statistics and UK consumer and business confidence have distinctly weakened so it would therefore not be a surprise if the next Inflation Report in November were to cut those forecasts in August.
- 2.1.2 The August Bank of England Inflation Report forecast was notably subdued in respect of inflation which was forecast to barely get back up to the 2% target within the 2-3 year time horizon. However, with the price of oil taking a fresh downward direction and Iran expected to soon rejoin the world oil market after the impending lifting of sanctions, there could be several more months of low inflation still to come, especially as world commodity prices have generally been depressed by the Chinese economic downturn.
- 2.1.3 There are therefore considerable risks around whether inflation will rise in the near future as strongly as had previously been expected; this will make it more difficult for the central banks of both the US and the UK to raise rates as soon as was being forecast until recently, especially given the recent major concerns around the slowdown in Chinese growth, the knock on impact on the earnings of emerging countries from falling oil and commodity prices, and the volatility in equity and bond markets in 2015 so far, which could potentially spill over to impact the real economies rather than just financial markets.
- 2.1.4 The American economy made a comeback after a weak first quarter's growth at +0.6% (annualised), to grow by 3.9% in quarter 2 of 2015. While there had been confident expectations during the summer that the Fed. could start increasing rates at its meeting on 17 September, or if not by the end of 2015, the recent downbeat news about Chinese and Japanese growth and the knock on impact on emerging countries that are major suppliers of commodities, was cited as the main reason for the Fed's decision to pull back from making that start. The nonfarm payrolls figures for September and revised August, issued on 2 October, were disappointingly weak and confirmed concerns that US growth is likely to weaken. This has pushed back expectations of a first rate increase from 2015 into 2016.

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- 2.1.5 In the Eurozone, the ECB in January 2015 unleashed a massive €1.1 trillion programme of quantitative easing to buy up high credit quality government and other debt of selected EZ countries. This programme of €60bn of monthly purchases started in March 2015 and it is intended to run initially to September 2016. This appears to have had some effect in helping a recovery in consumer and business confidence.
- 2.1.6 GDP growth rose to 0.5% in quarter 1 2015 (1.0% y/y) but came in at +0.4% (+1.5% y/y) in quarter 2 and looks as if it may maintain this pace in quarter 3. However, the recent downbeat Chinese and Japanese news has raised questions as to whether the ECB will need to boost its QE programme if it is to succeed in significantly improving growth in the EZ and getting inflation up from the current level of around zero to its target of 2%.

## 2.2 Interest rate Forecasts and Outlook

- 2.2.1 The Council's treasury advisor, Capita Asset Services, has provided the following forecast:

	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18
Bank rate	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.50%	1.50%	1.75%	1.75%
5yr PWLB rate	2.40%	2.50%	2.60%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%
10yr PWLB rate	3.00%	3.20%	3.30%	3.40%	3.50%	3.70%	3.80%	3.90%	4.00%	4.10%	4.20%
25yr PWLB rate	3.60%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%
50yr PWLB rate	3.60%	3.80%	3.90%	4.00%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.60%

Capita Asset Services undertook its last review of interest rate forecasts on 11 August shortly after the quarterly Bank of England Inflation Report. Later in August, fears around the slowdown in China and Japan caused major volatility in equities and bonds and sparked a flight from equities into safe havens like gilts and so caused PWLB rates to fall below the above forecasts for quarter 4 2015. However, there is much volatility in rates as news ebbs and flows in negative or positive ways and news in September in respect of Volkswagen, and other corporates, has compounded downward pressure on equity prices. This latest forecast includes a first increase in Bank Rate in quarter 2 of 2016.

- 2.2.2 Despite market turbulence since late August causing a sharp downturn in PWLB rates, the overall trend in the longer term will be for gilt yields and PWLB rates to rise when economic recovery is firmly established accompanied by rising inflation and consequent increases in Bank Rate, and the eventual unwinding of QE.
- 2.2.3 The overall balance of risks to economic recovery in the UK is currently evenly balanced. Only time will tell just how long this will last; it also remains exposed to vulnerabilities in a number of key areas.
- 2.2.4 The disappointing US nonfarm payrolls figures and UK PMI services figures at the beginning of October have served to reinforce a trend of increasing concerns that growth is likely to be significantly weaker than had previously been expected. This, therefore, has markedly increased concerns, both in the US and UK, that growth is only being achieved by monetary policy being highly aggressive with central rates at near zero and huge QE in place. In turn, this is also causing an increasing debate as to how realistic it will be for central banks

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to start on reversing such aggressive monetary policy until such time as strong growth rates are more firmly established and confidence increases that inflation is going to get back to around 2% within a 2-3 year time horizon. Market expectations in October for the first Bank Rate increase have therefore shifted back sharply into the second half of 2016.

### 2.2.5 Downside risks to current forecasts for UK gilt yields and PWLB rates currently include:

Geopolitical risks in Eastern Europe, the Middle East and Asia, increasing safe haven flows.

UK economic growth turns significantly weaker than currently anticipated. Weak growth or recession in the UK's main trading partners - the EU, US and China.

A resurgence of the Eurozone sovereign debt crisis.

Recapitalising of European banks requiring more government financial support.

Emerging country economies, currencies and corporates destabilised by falling commodity prices and / or the start of Fed. rate increases, causing a flight to safe havens.

### 2.2.6 The potential for upside risks to current forecasts for UK gilt yields and PWLB rates, especially for longer term PWLB rates include:-

Uncertainty around the risk of a UK exit from the EU.

The ECB severely disappointing financial markets with a programme of asset purchases which proves insufficient to significantly stimulate growth in the EZ.

The commencement by the US Federal Reserve of increases in the Fed. funds rate causing a fundamental reassessment by investors of the relative risks of holding bonds as opposed to equities and leading to a major flight from bonds to equities.

UK inflation returning to significantly higher levels than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.

## **3.0 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY UP-DATE**

3.1 The Treasury Management Strategy Statement (TMSS) for 2015/16 was approved by the Council on 25 February 2015.

3.2 The underlying TMSS approved previously requires revision in the light of proposals to amend the method of calculation of the Minimum Revenue Provision. The proposed changes and supporting detail for the changes are set out below:

- MRP for supported borrowing will be calculated using 2% over 50 years in equal annual instalments as a variation on the 'Regulatory Method' of calculating MRP; further detail provided at Appendix A.
- The Asset Life method of calculating repayment provision will be used for unsupported borrowing.
- The Interim Executive Director of Resources and Regulation may from time to time and when it is beneficial to the efficient financial administration of

the Council, vary the amounts charged as MRP in the year by making additional and voluntary payments of MRP. In these circumstances, the amount paid would not prejudice the existing strategy or be counter to the regulatory intent of that strategy.

#### 4.0 THE COUNCIL'S CAPITAL POSITION (PRUDENTIAL INDICATORS)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

#### 4.1 Prudential Indicator for Capital Expenditure

This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget

Capital Expenditure	2015/16 Original Estimate £m	2015/16 Revised Estimate £m
<b>Non-HRA</b>	13.150	18.915
<b>HRA</b>	12.540	13.680
<b>Total</b>	<b>25.690</b>	<b>32.595</b>

The increase of the revised estimate over the original estimate is due to slippage from 2014/15 of £16.070m offset by estimated project reprofiling to 2016/17 of £9.165m

#### 4.2 Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary

The table shows the Capital Financing Requirement, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary.

	2015/16 Original Estimate £m	2015/16 Revised Estimate £m
<b>Prudential Indicator - Capital Financing Requirement</b>		
CFR – non HRA	119.584	117.146
CFR – HRA existing	40.531	40.531
Housing Reform Settlement	78.253	78.253
<b>Total CFR</b>	<b>238.368</b>	<b>235.930</b>
<b>Prudential Indicator - External Debt / the Operational Boundary</b>		
Borrowing	238.400	235.900
Other long term liabilities	6.700	6.700
<b>Total</b>	<b>245.100</b>	<b>242.600</b>

- 4.3.1 The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2015/16 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.
- 4.3.2 The Interim Executive Director of Resources reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.
- 4.3.3 A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

<b>Authorised Limit for External Debt</b>	<b>2015/16 Original Indicator £m</b>	<b>2015/16 Revised Indicator £m</b>
Borrowing	273.400	270.900
Other long term liabilities	6.700	6.700
<b>Total</b>	<b>280.100</b>	<b>277.600</b>

## **5.0 INVESTMENT PORTFOLIO 2015/16**

- 5.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 2, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.5% Bank Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short term strategy. Given this risk environment, investment returns are likely to remain low.
- 5.2 The Council held £36.5m of investments as at 30 September 2015 (£32.3m at 31 March 2015) and the investment portfolio yield for the first six months of the year is 0.67% against Capita's suggested investment earnings rate for returns on investments placed, for periods up to three months in 2015/16, of 0.45%.
- 5.3 The investments held as at 30 September were:-

<b>Type of Investment</b>	<b>£ Million</b>
Call Investments (Cash equivalents)	13.5
Fixed Investments (Short term investments)	23.0
<b>Total</b>	<b>36.5</b>

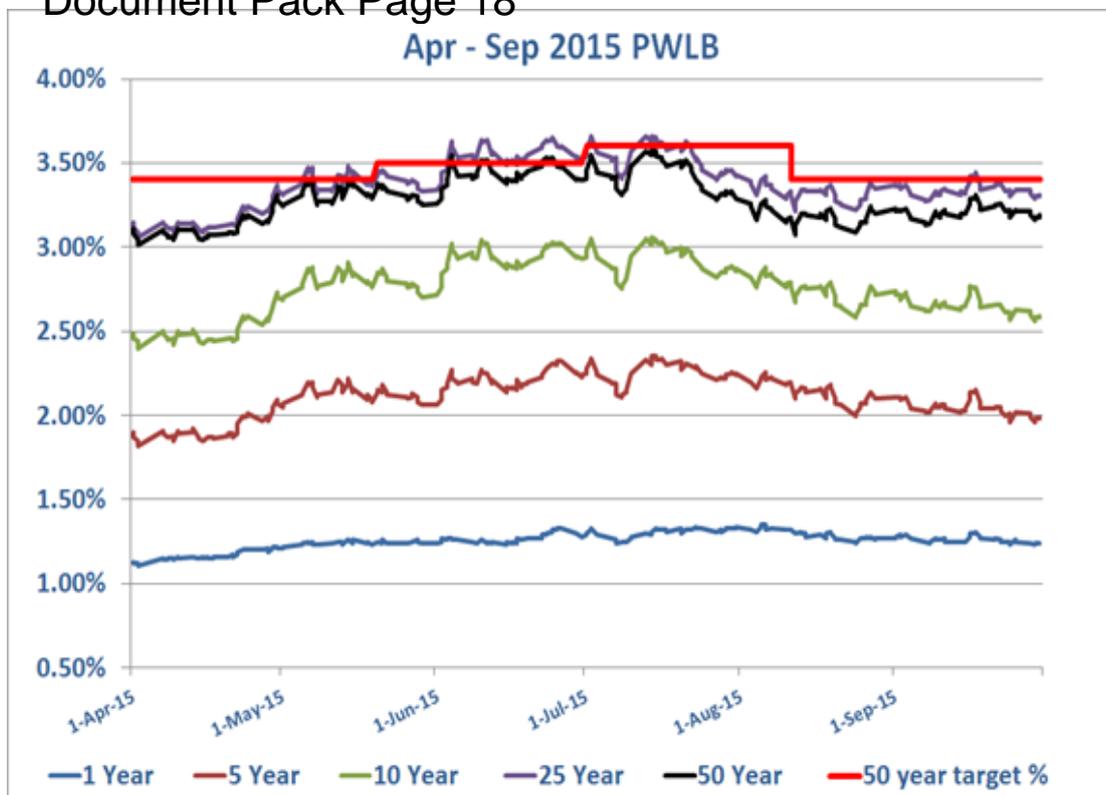
- 5.4 The Interim Executive Director of Resources & Regulation confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2015/16.
- 5.5 The Council’s budgeted investment return for 2015/16 is £0.5m, and performance for the year to date is in line with the budget.
- 5.6 The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.
- 5.7 The Cabinet have approved a “Property Investment Strategy” which aims to increase investment income by investing in property rather than investing with financial institutions where returns are low at present. Additional borrowing may need to be undertaken to finance property acquisitions; each investment will be subject to a robust business case and also non-financial factors (e.g. ethical stance) will be considered.

**6.0 BORROWING**

6.1 The Council’s capital financing requirement (CFR) for 2015/16 is £235.9m. The CFR denotes the Council’s underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The table below shows the Council has borrowings of £191.5m and has utilised £44m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring in the event that upside risk to gilt yields prevail.

		30th Sept 2015		
		Principal		Avg. Rate
		£000	£000	
<b>Fixed rate funding</b>				
	PWLB Bury	131,453		
	PWLB Airport	2,555		
	Market Bury	57,500	191,508	
<b>Variable rate funding</b>				
	PWLB Bury	0		
	Market Bury	0	0	
<b>Temporary Loans / Bonds</b>		3	3	
<b>Total Debt</b>			<b>191,511</b>	<b>3.92%</b>
<b>Total Investments</b>			<u><b>36,500</b></u>	<b>0.67%</b>

- 6.2 No new borrowing has been undertaken in the first 6 months of 2015/16 but due to the overall financial position and the underlying need to borrow for capital purposes (the capital financing requirement – CFR), it is anticipated that new temporary external borrowing may be undertaken during the remainder of this financial year, dependent upon cash flow.
- 6.3 The graph below shows the movement in PWLB certainty rates for the first six months of the year to 30.09.15:



## 7.0 DEBT RESCHEDULING

7.1 Debt rescheduling opportunities have been limited in the current economic climate and consequent structure of interest rates. No debt rescheduling was undertaken during the first six months of 2015/16.

**Councillor Rishi Shori**  
**Deputy Leader and Cabinet Member for Finance and Housing**

### List of Background Papers:-

None

### Contact Details:-

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E-mail [s.kenyon@bury.gov.uk](mailto:s.kenyon@bury.gov.uk)

**APPENDIX A**

**BURY COUNCIL**

**Minimum Revenue Provision Policy**

**2015/16 (Revised November 2015)**

## **1.0 BACKGROUND**

- 1.1 Local authorities have a statutory requirement to set aside each year a “prudent” amount of their revenues as a provision for the repayment of debt, called the Minimum Revenue Provision (MRP). The provision relates to capital expenditure incurred in previous years and financed by borrowing. Statutory Guidance covering Minimum Revenue Provision (published February 2012 by the Department for Communities and Local Government) sets out various options and boundaries for calculating prudent provision.
- 1.2 Whilst “prudent provision” is not specifically defined, the guidance suggests that debt ought to be repaid over a period that is either commensurate with that over which the capital expenditure to which it relates provides benefits, or in the case of borrowing supported by Government Revenue Support Grant, reasonably commensurate with the period implicit in the determination of the grant.
- 1.3 The guidance requires authorities to publish an annual MRP policy statement outlining how prudent provision is to be made. To be valid, the policy statement must be approved by a full Council Meeting. Bury Council’s policy statement was approved as part of the annual Treasury Management Strategy report on 25 February 2015.
- 1.4 The guidance sets out various options for calculating prudent MRP but does not rule out alternative approaches that are not specifically mentioned. One of the options presented in the guidance is the ‘Regulatory Method’ which equates to setting aside 4% of the opening balance outstanding relating to supported borrowing, less an adjustment (Adjustment A) that ensures consistency with previous capital regulatory regimes no longer in force. This option is available for all capital expenditure incurred prior to 1 April 2008.
- 1.5 Many Local Authorities initially adopted the above method but several councils have recently amended their methods of calculation whilst others across AGMA are currently reviewing their MRP policies.
- 1.6 The purpose of this report is to set out the case for changing the method of provision for ‘previously supported borrowing’ to one which is arguably more prudent (on a whole life basis) than the current approach.

- 2.1 General Fund debt which was previously supported through the local government finance regime (previously supported borrowing) is worth around £122.0m (as at 31 March 2015). This 'debt' figure is notional and forms part of the Council's Capital Financing Requirement (CFR).
- 2.2 The council currently applies the 'Regulatory Method' to this element of the CFR which equates to setting aside 4% of the opening balance outstanding on a reducing balance basis. Before applying 4%, the debt figure is reduced by £10.2m, (Adjustment A). For the 'previously supported borrowing' element of the CFR, the MRP charge for 2015/16 is currently estimated to be around £4.5m.
- 2.3 This approach to providing MRP, that is the 4% calculation applied on a reducing balance basis, means that the 'debt' is never fully repaid. Furthermore, the £10.2m of debt referred to in paragraph 2.2 will never be repaid.

**3.0 PROPOSED APPROACH**

- 3.1 An alternative method, which also delivers significant medium term revenue budget savings, provides for the outstanding debt over a 50 year period in equal instalments (2% per annum). On a whole life basis, this approach is arguably more prudent than the current 'Regulatory Method' as it results in this debt being fully extinguished within 50 years.
- 3.2 Adopting the 50 year 'Equal Instalments' approach to calculating MRP for previously supported General Fund borrowing will result in an annual MRP charge of £2.4m (£122.0m / 50 years). This results in a saving of around £2.0m for 2015/16 and a further £5.1m for the period 2016/17 to 2018/19. A breakdown of MRP charges and savings is shown in the table below:

Financial Year	Current Charge £000	Proposed Charge £000	Annual Saving £000
2015/16	4,475	2,441	2,034
2016/17	4,296	2,441	1,855
2017/18	4,124	2,441	1,683
2018/19	3,959	2,441	1,518

- 3.3 Savings and Costs for the whole of the 50 year period from 2015/16 to 2064/65 are shown at Annex 1.
- 3.4 From 2030/31, the revenue cost of the equal instalments approach to MRP begins to exceed the cost of the current 'Regulatory Method'. In the final year of repayment (2064/65), the revenue cost compared to the regulatory method is expected to peak at around £1.8m per annum.
- 3.5 Under the equal instalments approach to MRP, previously supported General Fund borrowing is fully extinguished by 31 March 2065 but under the current 'Regulatory Method', some £25.7m of debt remains outstanding as at the same date.

#### **4.0 PROPOSED AMENDMENT TO THE COUNCIL'S MRP POLICY STATEMENT**

4.1 To enable Bury Council to adopt the 'equal instalments' approach to providing for MRP on previously supported General Fund borrowing, it is necessary to revise the Council's MRP policy statement to:-

- MRP for supported borrowing will be calculated using 2% over 50 years in equal annual instalments as a variation on the 'Regulatory Method' of calculating MRP.
- The Asset Life method of calculating repayment provision will be used for unsupported borrowing.
- The Interim Executive Director of Resources and Regulation may from time to time and when it is beneficial to the efficient financial administration of the Council, vary the amounts charged as MRP in the year by making additional and voluntary payments of MRP. In these circumstances, the amount paid would not prejudice the existing strategy or be counter to the regulatory intent of that strategy.

#### **5.0 CONCLUSION**

5.1 The equal instalments approach to calculating MRP is arguably more prudent than the regulatory method as it results in debt being fully repaid after 50 years. Under the current version of the 'Regulatory Method', more than £25.7m of debt remains outstanding in 50 years' time with around half of this figure never being repaid at all. In present value terms, the equal instalments method is also more cost effective than the regulatory method being some £5m lower in present value terms. In nominal terms, the revenue cost of the equal instalments method is higher than the regulatory method between 2030/31 and 2064/65 but it does provide significant medium term revenue budget savings which will provide valuable support for the forthcoming medium term financial plan.

#### **6.0 RECOMMENDATION**

6.1 It is recommended that full Council is asked to amend the 2015/16 MRP Policy Statement to enable the Council to provide for MRP on previously supported General Fund borrowing at 2% in equal annual instalments over a 50 year period commencing 1 April 2015.

**Councillor Rishi Shori**  
**Deputy Leader and Cabinet Member for Finance and Housing**

**Stephen Kenyon CPFA**  
**Interim Executive Director of Resources**

Proposed Change to Minimum Revenue Provision  
Annual Savings and Costs

Financial Year	Current Charge £000	Proposed Charge £000	Annual Saving £000
2015/16	4,475	2,441	2,034
2016/17	4,296	2,441	1,855
2017/18	4,124	2,441	1,683
2018/19	3,959	2,441	1,518
2019/20	3,801	2,441	1,360
2020/21	3,649	2,441	1,208
2021/22	3,503	2,441	1,062
2022/23	3,363	2,441	922
2023/24	3,228	2,441	787
2024/25	3,099	2,441	658
2025/26	2,975	2,441	534
2026/27	2,856	2,441	415
2027/28	2,742	2,441	301
2028/29	2,632	2,441	191
2029/30	2,527	2,441	86
2030/31	2,426	2,441	-15
2031/32	2,329	2,441	-112
2032/33	2,236	2,441	-205
2033/34	2,146	2,441	-295
2034/35	2,060	2,441	-381
2035/36	1,978	2,441	-463
2036/37	1,899	2,441	-542
2037/38	1,823	2,441	-618
2038/39	1,750	2,441	-691
2039/40	1,680	2,441	-761
2040/41	1,613	2,441	-828
2041/42	1,548	2,441	-893
2042/43	1,486	2,441	-955
2043/44	1,427	2,441	-1,014
2044/45	1,370	2,441	-1,071
2045/46	1,315	2,441	-1,126
2046/47	1,262	2,441	-1,179
2047/48	1,212	2,441	-1,229
2048/49	1,163	2,441	-1,278
2049/50	1,117	2,441	-1,324

Proposed Change to Minimum Revenue Provision  
Annual Savings and Costs

Financial Year	Current Charge £000	Proposed Charge £000	Annual Saving £000
2050/51	1,072	2,441	-1,369
2051/52	1,029	2,441	-1,412
2052/53	988	2,441	-1,453
2053/54	949	2,441	-1,492
2054/55	911	2,441	-1,530
2055/56	874	2,441	-1,567
2056/57	839	2,441	-1,602
2057/58	806	2,441	-1,635
2058/59	773	2,441	-1,668
2059/60	743	2,441	-1,698
2060/61	713	2,441	-1,728
2061/62	684	2,441	-1,757
2062/63	657	2,441	-1,784
2063/64	631	2,441	-1,810
2064/65	605	2,441	-1,836

Balance remaining at 31/3/65	24,688	0
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<b>REPORT FOR DECISION</b>
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**Bury**  
COUNCIL

**Agenda  
Item**

<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>3<sup>rd</sup> December 2015</b>
<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 – TRIENNIAL POLICY REVIEW</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The Gambling Act 2005 Section 349 requires the Local Authority to prepare and publish a Statement of Principles at least every three years. The existing statement was agreed by Council on 12 <sup>th</sup> December 2012
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p>The statement as presented can be accepted, amended or rejected but to comply with the statute a revised statement has to be agreed by Council on 9<sup>th</sup> December 2015.</p> <p>It is recommended that the statement be accepted without major amendment. Widespread consultation has not revealed any major problems with the existing statement.</p>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	If the Authority does not have a revised statement in place by the 31 <sup>st</sup> January 2016 it will not be able to fulfil it's duties under the Act
<b>Statement by Executive Director</b>	The revenue budget includes provision for expenditure and income associated the

<b>of Resources:</b>	gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements
<b>Equality/Diversity implications:</b>	<b>Yes</b> <b>No</b> (see paragraph below)
<b>Considered by Monitoring Officer:</b>	The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

- 1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The policy has to be reviewed at least every three years.
- 1.2 The Statement of Principles must be published by the 3 January 2016 being 28 days before the current Statement ceases to have effect on the 31 January 2016.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
  - a) preventing gambling from being a source of crime and disorder
  - b) ensuring that gambling is conducted in a fair and open way and
  - c) protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it:
  - a) in accordance with issued codes of practice

- b) in accordance with guidance issued by the Gambling Commission
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with their Policy Statement

### **2.0 ISSUES**

- 2.1 In preparing the Statement of Principles the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission
- 2.2 A copy of the amended Statement of Principles is attached at Appendix 1.
- 2.3 If the Statement of Principles is not agreed by Council and published by the 3 January 2016 the Authority will not have fulfilled the statutory requirements of the Act and Regulations.
- 2.4 An Equality Impact Assessment has been completed and the Statement of Principles is considered to be largely neutral in impact.

### **3.0 CONSULTATION**

- 3.1 The consultation has been in accordance with Cabinet Office guidelines which require a twelve week period for public consultation.
- 3.2 The Act requires consultation with a number of statutory defined consultees.
- 3.3 The consultation has been also been made available on the Council's website.

### **4.0 CONCLUSION**

- 4.1 The Statement of Principles as been in existence for three years and to date has not been challenged formally or informally.
  - 4.2 Two responses have been received during the consultation from the Bingo Association and the Association of British Bookmakers. The responses and the table of replies are attached at Appendix 2.
  - 4.3 The policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
  - 4.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3rd January 2016, otherwise the Council will be acting unlawfully.
  - 4.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 9<sup>th</sup> December 2015 meeting if a special Council meeting is to be avoided.
- 

### **List of Background Papers:-**

Appendix 1 – Copy of amended Statement of Principles

**Contact Details:-**

Mr M. Bridge

Licensing Unit Manager

3 Knowsley Place

Duke Street

Bury

BL9 0EJ

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**Statement of Principles**

**2016-2021**

**Gambling Act 2005**

**Bury Council**  
**POLICY STATEMENT**  
**Under Section 349 of the Gambling Act 2005**

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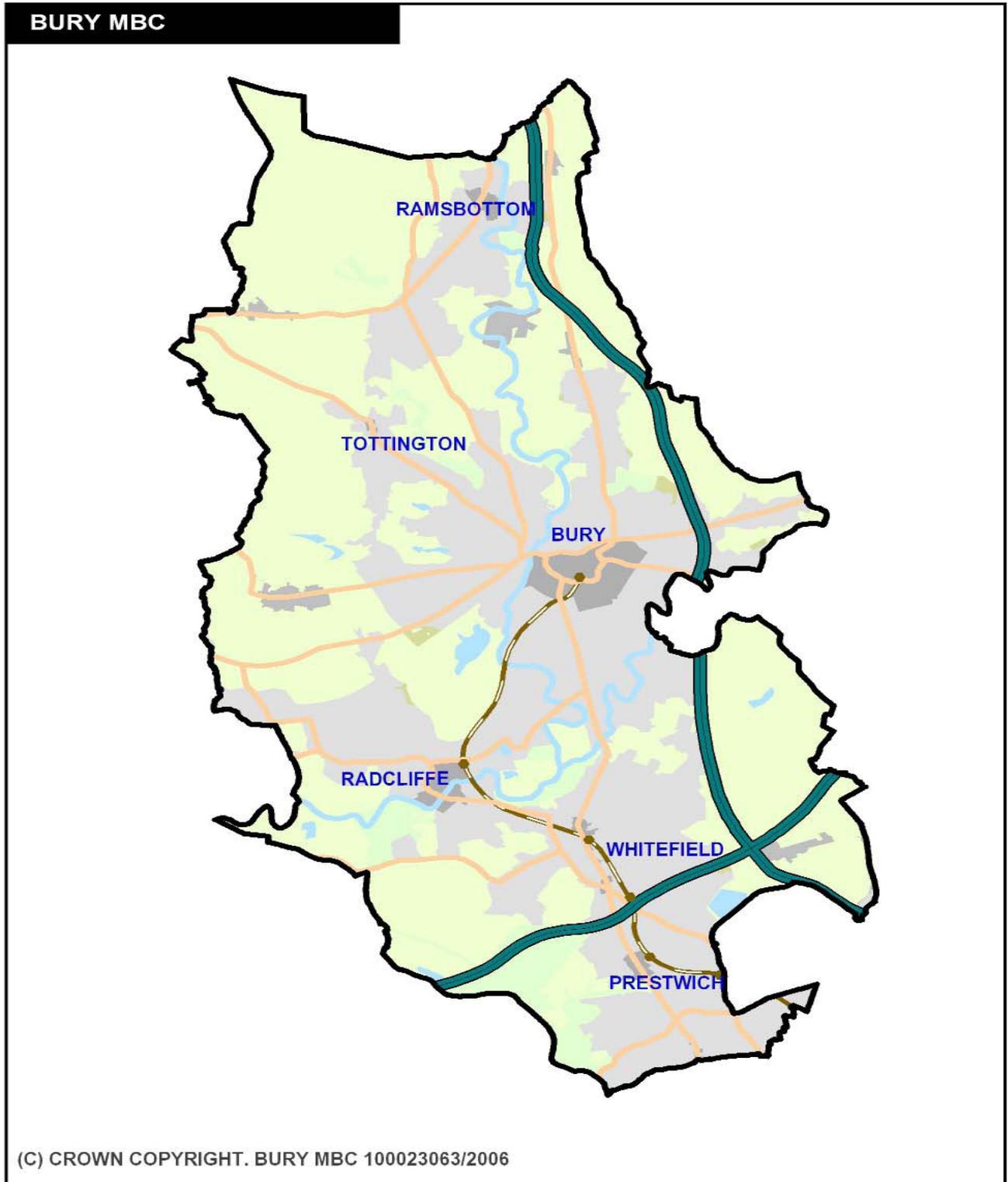
**PART 1**

**POLICY STATEMENT**

**1. The Licensing Objectives**

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by Gambling
- 1.2 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".
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licenses and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the authority's statement of licensing policy

**INTRODUCTION**



The Authority is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 181,300 it occupies an area of 9,919 hectares and is based on the 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

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Bury was transformed with The Rock development in 2010/11. This major development based on Bury town centre doubled the retail floor space, delivering a broad mix of retail, leisure, tourism, offices and residential property. Of particular significance was an expansion of the retail sector in the daytime economy with an additional 52 new retail units. New food and drink outlets, plus a 10 screen Vue cinema, AMF bowling has supported a growth of the night time economy to the extent that during 2014 the Council applied for and gained the Purple Flag accreditation. The development also includes over 400 residential units offering a 'city centre living' concept. This development has considerably increased the number of new residents, shoppers and leisure consumers on weekdays as well as weekends.

Whilst the physical expansion of Bury Town Centre has created considerable opportunities and challenges, of equal or greater significance is its development from what was predominately a retail centre into one that has a mixed leisure and residential component.

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

Bury Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided at Appendix A.

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

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Our consultation took place between 20<sup>th</sup> July 2015 and 20<sup>th</sup> October 2015 and we followed the HM Government code of Practice on Consultation (published July 2008) which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The policy was approved at a meeting of the Full Council on XXXX and was published via our website on XXXX. Copies were placed in the public libraries of the areas well as being available in the Town Hall.

The full list of comments made and the consideration by the Council of those comments will be available by request to the address given below.

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Should you have any comments as regards this policy statement please contact us as follows.

Address: Licensing Section, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ  
Phone: 0161 253 5208  
E-mail: [licensing@bury.gov.uk](mailto:licensing@bury.gov.uk)

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

### **3. Declaration**

3.1 In producing the final statement, this licensing authority will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

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

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

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

4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix B.

### **5. Interested parties**

5.1 Interested parties can make representations about license applications, or apply for a review of an existing license. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises license if, in the opinion of the licensing authority which issues the license 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)”
- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.
- 5.4 Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing and Safety Panel dealing with the licence application. If there are any doubts then please contact the licensing section at 3 Knowsley Place, Duke Street, Bury, BL9 0EJ phone 0161 253 5208.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information 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 to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

### **7. Enforcement**

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

- 7.2 This licensing authority's principles are that:

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

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

- 7.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 7.4 This licensing authority has adopted and implement a risk-based inspection program, based on;

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

- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licenses and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licenses. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but should be notified to the Gambling Commission.

- 7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section at 3 Knowsley Place, Duke Street Bury BL9 0EJ or e-mail: licensing@bury.gov.uk
- 7.8 Reference will also be made to the Council's Enforcement Policy when considering enforcement action.

### **8. Licensing Authority functions**

8.1 As Licensing Authorities we are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licenses
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permit
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centre's
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licenses issued (see section above on 'information exchange')
- Maintain registers of the permits and licenses that are issued under these functions

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- 8.2 These functions will be carried out in accordance with the Scheme of Delegation. This is available at appendix C.
- 8.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

**PART B**

**PREMISES LICENCES**

**9. General Principles**

9.1 Premises licenses are subject to the requirements 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. Licensing authorities are able to exclude default conditions and also attach others, where there is a risk to the licensing objectives.

**Decision-making**

9.2 This licensing authority is aware that in making decisions about premises licenses it should aim to permit the use of premises for gambling in so far as it thinks it:

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

9.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities, moral objections to gambling are not a valid reason to reject applications for premises licenses and also that unmet demand is not a criterion for a licensing authority. In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives

9.4 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which will come into force on 6 April 2016.

The council will have regard to this code when considering applications. This is covered in detail in Part 4 of this statement.

9.5 **Definition of premises** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are

issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 9.6 The Gambling Commission states in the fourth edition (As amended) of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 9.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
  - Customers should be able to participate in the activity named on the premises licence.
- 9.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates.
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
- 9.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

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

**9.10.1:**

**Casinos**

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

**Adult Gaming Centre**

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

**Betting Shops**

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

**Tracks**

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

**Bingo Premises**

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

**Family Entertainment Centre**

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

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

## 9.12 Premises “ready for gambling”

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

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

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

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

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

More detailed examples of circumstances in which such a license may not be granted can be found in the Guidance.

9.13 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling Commission has advised that reference to “the premises” is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

9.14 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to it’s decision making. As per the Gambling Commission’s Guidance to local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being

made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### 9.15 **Planning:**

The Gambling Commission's Guidance to Licensing Authorities states:

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

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

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

9.16 ***Duplication with other regulatory regimes*** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning and the fire service. This authority will not consider whether a license application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

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

9.19 ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - This licensing authority is aware that the Gambling Commission takes a

leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it or hear it, so as to make that distinction. Issues of mere nuisance cannot be addressed via the Gambling Act provisions.

- 9.20 ***Ensuring that gambling is conducted in a fair and open way*** - This licensing authority has noted that the Gambling Commission states that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licenses. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.
- 9.21 ***Protecting children and other vulnerable persons from being harmed or exploited by gambling*** - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 9.22 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 9.23 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 9.24 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

- all staff are trained,
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm.

9.25 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

9.26 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

See Part 4 of this policy statement for further details and on the council's requirements in relation to the LCCP.

9.27 **Conditions** - Any conditions attached to licenses will be proportionate and will be:

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

9.28 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a need to do so, such as the use of supervisors, appropriate signage for adult only areas etc.

There are specific comments made in this regard under some of the license types below. This licensing authority will also expect the license applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

9.29 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licenses. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier

which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the license holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- physical barriers to segregate areas should not impede the escape routes from that or other areas

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

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

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

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

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

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

### **10. Adult Gaming Centre's**

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 10.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes.
  - CCTV.
  - Supervision of entrances / machine areas.
  - Physical separation of areas.
  - Location of entry.
  - Notices / signage.
  - Specific opening hours.
  - Self-barring schemes.
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

### **11. (Licensed) Family Entertainment Centre's**

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / license conditions may cover issues such as:
- CCTV.
  - Supervision of entrances / machine areas.

- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisation's such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the Premises.

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

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

### **12. Bingo premises**

12.1 This licensing authority notes that the Gambling Commission's Guidance states at paragraph 12.1:

Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises

This authority also notes the Guidance at paragraph 18.8 regarding the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises.

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

### **13. Betting premises**

13.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people,

when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 13.2 The authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.
- 13.3 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 13.4 This authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

### **14. Tracks**

- 14.1 This licensing authority is aware that tracks may be subject to one or more than one premises license, provided each license relates to a specified area of the track. As per the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 14.2 This authority will therefore expect the premises license applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 14.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / license conditions may cover issues such as:
- Proof of age schemes.
  - CCTV.
  - Supervision of entrances / machine areas.
  - Physical separation of areas.

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- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 14.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 14.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 14.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities.).
- 14.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities).
- 14.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities).
- 14.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities).
- 14.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where

betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities).

### **15. Travelling Fairs**

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

### **16. Provisional Statements**

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
  - expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

16.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

## **17. Reviews**

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

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

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

17.3 The licensing authority can also initiate a review of a particular premises license on the basis of any reason which it thinks is appropriate.

17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the

application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

- 17.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 17.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 17.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder.
  - the applicant for review (if any)
  - the Commission.
  - any person who made representations.
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs.

## PERMITS/TEMPORARY &amp; OCCASIONAL USE NOTICES

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

- 18.1 Where a premise does not hold a premises license but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 18.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (24.6)
- 18.3 Guidance also states:..."An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
  - That staff are trained to have a full understanding of the maximum stakes and prizes (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

- 18.3 **Statement of Principles** This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of

the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**19. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

**Automatic entitlement: 2 machines**

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

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

It is important that Operators are aware of the rules concerning exempt gaming on their premises. A clear understanding of limits on stakes and prizes and record keeping together with age verification and supervision can be found via the Gambling Commissions Code of Practice for Equal Chance Gaming.

**Permit 3 or more machines**

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

19.3 This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only, gaming machines. Measures which will satisfy the authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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- 19.4 It is recognised that some alcohol licensed premises may apply for a premises license for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises license.
- 19.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **20 Prize Gaming Permits**

- 20.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 20.2 This licensing authority has prepared a **Statement of Principles** which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law.
  - Clear policies that outline the steps to be taken to protect children from harm.
- 20.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 20.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## 21. Club Gaming and Club Machines Permits

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

Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs

21.2 Members Clubs and Miner's welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Equal chance gaming and games of chance as set out in forthcoming regulations.

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

25.46 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

21.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

21.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track

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procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

## 22. Temporary Use Notices

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

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

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

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

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

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

### **23. Occasional Use Notices**

- 23.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

### **24. Small Society Lotteries**

- 24.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 0161 253 5208 within working hours to see further advice.

## **PART 4 Licence Conditions & Codes of Practice (LCCP)**

- 25 The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The code requires operators;

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

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- With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

### **26 Risk Assessments (these will be required from the 6<sup>th</sup> April 2016)**

- 26.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
- 26.2 Operators are required by the Social Responsibility code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.
- 26.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
  - Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- 26.4 The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including;

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

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- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

### 27.0 **Local Area Profile**

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.

**British Beer & Pub Association**

**HM Customs & Excise**

**Gamblers Anonymous**

**Gamcare**

**Greater Manchester Fire & Rescue Service**

**Chief Constable**

**The Lotteries Council**

**The Bingo Association**

**Association of British Bookmakers**

**Casino Operators Association of the UK (COA (UK))**

**Business in Sport and Leisure**

**BACTA**

**British Casino Association (BCA)**

**Security Industry Authority**

**Remote Gambling Association**

**Responsibility in Gambling Trust**

**Gambling Commission**

**TOTE**

**Ladbrokes Plc**

**William Hill**

**Paul Deans Bookmakers Ltd**

**Betfred**

**British Holiday and Home Parks Association**

**Club and Institute Union**

**Society of Independent Brewers**

**Nobles Amusements**

**The Rank Group Plc**

**Leisure Link**

**Gamestec Leisure Ltd**

**Gala Coral Group Ltd**

**George Bet Centre's Ltd**

**Punch Taverns**

**Children's Safeguarding Board**

**Limelight Amusements**

**Salvation Army**

**Six Town Housing**

**TRACC**

**Holder of existing licences/registrations within the Borough of Bury  
Planning, Environmental and Regulatory Services, Health & Safety,  
Pollution and Weights & Measures Sections.**

**APPENDIX B  
RESPONSIBLE AUTHORITIES**

**Any application must be sent to:**

**Licensing Unit Manager  
Bury MBC  
Licensing Office  
3 Knowlsey Place  
Duke Street  
Bury BL9 0EJ**

**Copies of the application must also be sent to the following responsible authorities:**

**The Fire Safety Manager  
Greater Manchester Fire & Rescue Service  
Bury Fire Station  
Chamberhall Business Park  
Magdalene Road  
Bury BL9 0ES**

**HM Customs and Revenue  
National Registration Unit  
21 India Street  
Glasgow G2 4PZ**

**Bury Safeguarding of Children Board  
18-20 St Mary's Place  
Bury, BL9 0DZ**

**Development Manager  
Planning Division  
Knowsley Place  
Duke Street  
Bury  
BL9 0EJ**

**The Licensing Officer  
Greater Manchester Police  
Dunster Road  
Bury  
BL9 0RD**

**Planning, Environmental and Regulatory Services  
Health & Safety, Pollution and Weights & Measures Sections  
Knowsley Place  
Duke Street  
Bury  
BL9 0EJ**

**Gambling Commission  
Victoria Square House  
Victoria Square, Birmingham B2 4BP**

**APPENDIX C**  
**BURY METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officers</b>
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			X
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a license		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a license		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises license		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	



The current regime already offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

Re: Gambling Act 2005 Policy Statement Consultation

Dear Sirs,

Bury Council  
Bury Licensing Service  
3 Knowsley Place  
Duke Street  
Bury  
Lancashire  
SA46 0PA

Please ask for: Richard Taylor  
Direct Tel: 01482 590216  
Email: rjt@gosschalks.co.uk  
Our ref: RJT/JULIEGA/097505.00004  
Click here to enter  
Your ref:  
Document Number  
Date: 13 October 2015



Kod 15/10/15



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The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

### LGA – ABB Betting Partnership Framework

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

### Working in partnership with local authorities

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review

variation to or a new premises licence. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a

With effect from 6<sup>th</sup> April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

### Local area risk assessments

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises. inspection plans for gambling coming into effect in January 2015.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbroke and Paddy Power, led to the first Primary Authority level of consistency is beneficial both for local authorities and for operators.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this Primary Authority Partnerships with local authorities.

### Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. *"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."* Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put in England to apply for planning permission.

### Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops to be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

We would also request that where a local area profile is produced by the licensing authority that a reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

### Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

premisses' ability to uphold the three licensing objectives.

Paragraph 9.19 deals with the first licensing objective – preventing gambling from being a source of crime or disorder, being associated with a crime or disorder or being used to support crime. This paragraph should be expanded to make it clear that issues of nuisance are not relevant

Paragraph 9.14 deals with location. The final two sentences of this paragraph cause the ABB concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of "aim to permit" contained within s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.

Paragraph 1.3 of part B indicates that moral objections and demand are not criteria for the licensing authority when considering applications. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of planning permission or building regulation are not issues that can be taken into account when considering an application for a premises licence.

Paragraph 9.1 of part B deals with general principles and indicates in the final sentence that licensing authorities are able to exclude default conditions and attach others where it is believed to be appropriate. The statement of principles needs to be very clear that conditions beyond the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented.

### Specific Policy Comments

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

### Employing additional licence conditions

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities. into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

## Conclusion

Finally, this section indicates that issues that should be considered include matters of faith. The Gambling Commission guidance is clear. Paragraph 5.34 of the fifth edition of the Guidance to Licensing Authorities indicates "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licenses". It is impossible to see how the proximity of a place of worship could pose a risk to the licensing objectives and therefore this part of the policy should be removed.

The proximity of premises to other licensed premises, banks, post offices, refreshment and entertainment facilities cannot be relevant and these references should be removed from the statement of principles. Similarly issues such as known problems in the area arising from street drinkers, youths participating in anti-social behaviour and areas that are prone to graffiti/tagging/under-age drinking cannot be relevant as far as a local risk assessment is concerned as these have nothing to do with the licensing objectives. The statement of principles needs to be amended to reflect this.

Paragraph 26 deals with risk assessments. Those risk assessments will be submitted from 6<sup>th</sup> April 2016 following the implementation of the new social responsibility and ordinary code provisions. The provisions require that licensees "assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises" The risk assessment, must relate to the licensing objectives. Therefore, issues such as gaming trends that may reflect benefit payments are irrelevant considerations. This appears to assume that people in receipt of benefits must be vulnerable. This cannot follow. The statement of principles recognises at paragraph 9.23 the vulnerable persons include those who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balancing decisions about gambling due to mental impairment, alcohol or drugs. The statement of principles should be amended so that it is clear that only matters relevant to the licensing objectives will be included within the risk assessment.

Paragraph 9.27 deals with conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions be supplemented. The statement of principles should be clear that conditions will only be imposed where there is evidence of a need to do so and that conditions will not be imposed where there is a "perceived need" (paragraph 9.28) or where there are "concerns" (paragraph 9.34). The statement of principles notes at paragraph 13.2 and 13.3 that conditions will only be imposed where there is clear evidence.

considerations and that the gambling commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.



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**GOSSCHALKS**



Yours faithfully,

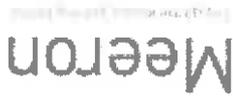
The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.



Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF



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01582 860925

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M

01582 860921

T

Cherry Hosking  
Company Secretary

Cherry

With kind regards

The entitlement to category B3 machines was increased in 2011 to 20% of the total machine estate in both bingo licensed premises and AGCs. Please see attached S.I. and explanatory letter from DCMS setting out the particular circumstances for businesses licensed after the introduction of this change in 2011.

This authority also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight categories B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

I note that the section below, copied from 12.1 of the draft policy purports to refer to paragraph 18.5 of the fifth edition of the Gambling Commission's guidance to LAs. However, the wording below comes from the third edition of this advice and this particular section was deleted in the GC's e-bulletin to LAs dated 7<sup>th</sup> September 2012.

Thank you for informing The Bingo Association of Bury Council's draft Gambling Policy document.

Dear Mr Bridge

From: Cherry Hosking [cherry@bingo-association.co.uk]  
Sent: 11 August 2015 15:51  
To: Bridge, Michael  
Subject: Revision of Gambling Policy 2016-2019  
Attachments: Gaming Machines in AGCs and Bingo Premises 2011 DCMS explanatory letter.pdf; THE GAMBLING ACT 2005 (GAMING MACHINES IN ADULT GAMING CENTRES AND BINGO) 2011.pdf

Bridge, Michael

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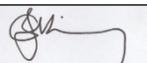
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## Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

### 1. RESPONSIBILITY

<b>Department</b>	Licensing	
<b>Service</b>	Resources and Regulation	
<b>Proposed policy</b>	Triennial Review of Statement of Principles – Gambling Act 2005	
<b>Date</b>		
<b>Officer responsible for the 'policy' and for completing the equality analysis</b>	<b>Name</b>	Michael Bridge
	<b>Post Title</b>	Licensing Unit Manager
	<b>Contact Number</b>	253 5209
	<b>Signature</b>	
	<b>Date</b>	17 July 2015
<b>Equality officer consulted</b>	<b>Name</b>	Catherine King
	<b>Post Title</b>	Principal Workforce Strategy Adviser
	<b>Contact Number</b>	0161 253 6371
	<b>Signature</b>	
	<b>Date</b>	17 July 2015

### 2. AIMS

<b>What is the purpose of the policy/service and what is it intended to achieve?</b>	<p>The Gambling Act 2005 requires the Authority to prepare and publish a Policy Statement of the principles that they propose to apply in exercising their functions.</p> <p>The Policy has to promote the licensing objectives as defined within the Act. The objectives are :-</p> <ol style="list-style-type: none"> <li>a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>b) ensuring gambling is conducted in a fair and open way; and</li> <li>(c) protecting children and other vulnerable persons being harmed or exploited by gambling</li> </ol> <p>In carrying out the functions within the Act, through the Policy Statement we should ensure that the Authority's actions are consistent with the requirements of the legislation.</p> <p>General moral objections to gambling are not relevant considerations under the Act</p>
--	--

<p><b>Who are the main stakeholders?</b></p>	<p>The Act defines a number of responsible authorities and interested parties.                  Responsible bodies include :-                  the Council as licensing authority                  the Gambling Commission                  the Police                  the Fire and Rescue Service                  the Planning Authority                  the Environmental Health Service with regard to pollution control                  HM Custom's and Excise                  Local Safeguarding of Children Board</p> <p>Interested parties include :-                  persons living close to the premises likely to be affected by the activity                  persons with business interests that might be affected                  or persons representing the above</p>
--	--

**3. ESTABLISHING RELEVANCE TO EQUALITY**

**3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.**

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	Not applicable
Disability	No	No	As above
Gender	No	No	As above
Gender reassignment	No	No	As above
Age	Yes	No	The licensing objectives are: <ul style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> </ul>

			<ul style="list-style-type: none"> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by Gambling</li> </ul> <p>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".</p>
Sexual orientation	No	No	As above
Religion or belief	No	No	As above
Caring responsibilities	No	No	As above
Pregnancy or maternity	No	No	As above
Marriage or civil partnership	No	No	As above

**3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.**

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	Not applicable <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	No	As above
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	As above

**If you answered 'YES' to any of the questions in 3a and 3b**

**Go straight to Question 4**

**If you answered 'NO' to all of the questions in 3a and 3b**

**Go to Question 3c and do not answer questions 4-6**

**3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.**

To amend the Policy statement of principles will impact the identified stakeholders, but does not impact on any aspect of protected equality characteristics.

#### **4. EQUALITY INFORMATION AND ENGAGEMENT**

**4a.** For a service plan, please list what equality information you currently have available, **OR** for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

<b>Details of the equality information or engagement</b>	<b>Internet link if published</b>	<b>Date last updated</b>

**4b.** Are there any information gaps, and if so how do you plan to tackle them?

No information gaps identified.

**5. CONCLUSIONS OF THE EQUALITY ANALYSIS**

<b>What will the likely overall effect of your policy/service plan be on equality?</b>	None identified
<b>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</b>	None identified
<b>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</b>	No
<b>What steps do you intend to take now in respect of the implementation of your policy/service plan?</b>	Following the 12 week consultation, a report will be presented to the Councils' Licensing and Safety Panel for consideration. If agreed the matter will be placed before the meeting of Full Council on the 9 <sup>th</sup> December 2015 for ratification.

**6. MONITORING AND REVIEW**

**If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.**

None required

**COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX ([equality@bury.gov.uk](mailto:equality@bury.gov.uk)) FOR PUBLICATION.**

**COUNCIL 9 DECEMBER 2015 – WORK OF THE CABINET  
LEADER’S SPEECH**

Thank you Madam Mayor, it gives me great pleasure to up-date Council on the work of the Cabinet since the October meeting of Council.

Madam Mayor, given that this is the season of goodwill, before I begin to talk about the work of the Cabinet I would just like to take a moment to celebrate some recent Council successes.

All too often we can find ourselves focussing on abstract things like strategies and plans when really what’s important, what brings all of us into politics, is people and in particular people who need our help.

Of all the services we provide, the work we do with looked-after children must rank amongst the most important. These children rely on us to give them the best possible life after what is often the worst possible start.

Despite experiencing very difficult circumstances during their lives many Care Leavers go on to achieve great success and I was therefore incredibly proud that Bury had 19 nominations at the recent Greater Manchester Care Leavers Awards.

The awards are a chance to recognise the achievements of care-experienced young people from across the region and the host for this year's event was Lemn Sissay the poet, who also happens to be a care leaver and the Chancellor of the University.

I was even prouder that Bury's very own Precious Omorodion won the Creativity Award. This is an outstanding achievement by an outstanding young person and I'm sure that all Members will join me in sending massive congratulations to Precious.

Of course Madam Mayor outcomes like this don't happen by accident. Not only is this a testament to Precious' skills and determination it is also a testament to the hard work of our dedicated staff.

But you don't need to take my word for this.

An assessment of Bury Council took place in September 2015 against the 7 LILAC Standards. Madam Mayor, Lilac is a project run by A National Voice which draws upon the experiences and expertise of care-experienced young people to improve the policy and practice of agencies in how they involve and consult with children in care and care leavers.

I am honoured to announce that Bury Council has been judged by care-experienced young people to have achieved all seven of the LILAC Standards. The assessment found that there was a shared culture of participation throughout services for young people in care and care leavers, with leadership committed to listening and responding to the views of young people.

There were also strong structures and good care planning and review policy and practices.

Talking of assessments, the Adult Learning Service was recently the subject of a snap OFSTED inspection and I understand that the inspection went well and I should have good news to share with you in the New Year.

Again I hope that Council will join with me in sending our appreciation to the Adult Learning staff who do a tremendous job helping our citizens to be the best they can be.

Madam Major, as if we needed anymore evidence of the wonderful work done by our staff, I am pleased to tell you that the support staff at Elms Bank Specialist Arts College have been given very high praise as part of the Unison 'Stars in Our Schools' event.

As a former head teacher I know only too well the amazing contribution that support staff make to the education of pupils so well done to all the team at Elms Bank, we're very proud of you.

Of course all the excellent work our staff do would be for nothing if it didn't lead to good outcomes.

A great example of our high levels of performance comes from Adult health and social care where Bury remains consistently in the top 6 top performing authorities across the North West in supporting people to remain at home.

Some notable performance includes having the least number of delayed discharges from hospital;, and a reduction year on year of the number of people moving into permanent residential care. This shows that despite all the pressures on our services we remain committed to ensuring that people are at the centre of everything we do.

Turning now to the work of the Cabinet since the last Council meeting...

Madam Mayor the focus of the Cabinet has continued to be on helping the most vulnerable people in our society and who, Madam Mayor, is more vulnerable than a homeless person?

Although homelessness only affects 1% of the local population each year, this means that hundreds of people still present themselves to us as being homeless. Madam Mayor, the impact on these individuals can be devastating – and costly to society.

The previous strategy, which improved Bury's response by promoting a greater emphasis on prevention and ending the use of bed and breakfast accommodation has come to an end.

Whilst pressures in the system are expected to persist due to the housing market situation, welfare reform and relationship breakdowns, the new Strategy approved by Cabinet seeks to manage these uncertainties and provide hope to people who find themselves without accommodation.

The Strategy will help maintain the focus on homelessness and ensure available resources are targeted to best effect within the legislative and national policy framework.

Of course our aspiration remains to end homelessness. Whilst many may see this as unattainable, it is nothing more than the level of ambition that is required to tackle the underlying causes of homelessness, increase preventative action and drive quality services.

Madam Mayor, we also recognise that preventing homelessness is better for households and better for society and so we have also reviewed the Homeless Rescue Fund.

This is critical to our strategy because the HRF enables households to overcome the small problems that lead to homelessness.

The approved changes to the Fund now allow the recovery of payments in certain circumstances.

Madam Mayor this is a positive move. Recycling money makes the HRF more sustainable and means more households can be helped, in line with the Council's priority of supporting vulnerable people.

On the subject of housing, Cabinet also reviewed and revised the Allocations Policy. The policy was last approved by Cabinet in March 2013 but since then there have been changes in legislation, case law and operational practice which require the policy to be updated.

The 2015 version of the policy incorporates those changes and clarifies the Council's position regarding things like 'The right to move for work' legislation, procurement of properties for homeless households, applications for retirement living from existing tenants and bedroom occupancy and the impact of other welfare reforms.

We also continued to deliver on our commitment to 'invest to save' by approving a proposal to create an Adolescent Support Unit (ASU).

By preventing children and young people from entering care, as well as supporting foster placement stability, the Unit will work immediately to reduce the upward pressure on the children's social care budget, while improving outcomes for some of Bury's most vulnerable young people and their families.

In addition an exercise to model the financial benefits of investment indicates a benefit cost ratio of around 2:1.

Over and above the benefits modelled, it is expected that preventing children entering care will reduce demands on social workers, improve educational attainment and performance and reduce the number of young people entering the Criminal Justice system.

Madam Mayor, at the risk of bringing some humbug to the proceedings I really can't finish without talking about money.

The Cabinet considered the Month 6 financial monitoring report and whilst we were pleased to see that there was a significant and very welcome improvement in the position the report made clear that our finances remain under considerable pressure.

The report showed that there is a projected overspend of **£0.933m** and whilst this represents just **0.70%** of the budget it is still a matter of concern.

Madam Mayor having taken £54m out of our budget over the past 5 years it is clear that the Government's cuts are taking their toll.

And sadly the Government has made it clear in the Comprehensive Spending Review that they intend to continue to batter local services.

Local government was amongst the hardest hit of all public services and for Bury it now appears that based on a combination of huge grant reductions, and increasing demand for vital services, we will have to cut yet another £11.6 million from services.

Madam Mayor, years of relentless and unprecedented cuts in our grant mean that we will have to change the way we provide services, with more being done online and by residents and communities.

Savings have been identified across the authority and tomorrow we launch our public consultation in which residents will be asked for their views with the consultation running until 9 February 2016.

As ever, Madam Mayor, we will try our hardest to protect front-line services and find more efficient ways of working – but, and I cannot stress this enough, it is becoming increasingly more difficult to balance the books and at the same time to meet people's demands.

Madam Mayor, this borough of ours is a wonderful place to live, work and learn and what I can tell Council is that this Labour led administration will fight tooth and nail to keep it that way.

We will focus our efforts on two things....growth and reform. Growing the borough and in particular growing our business base...and reforming our services to future proof them against the Government's onslaught.

At the heart of this fight will be our staff and in the true spirit of the holidays I want to thank them for their magnificent work over the past year and promise them that they will always be seen as our greatest asset, and they will always be treated as such.

Finally Madam Mayor can I wish all Members, officers and residents a very happy holidays and a prosperous New Year?

Thank you.

END

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR ISHERWOOD  
CABINET MEMBER FOR ENVIRONMENT  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 1 submitted by  
Councillor Bevan**

- Q.** Can the Leader of the Council explain to residents why there have been several months delay in undertaking highway works near 314 Bolton Road West in Ramsbottom as it has been causing significant disruption and the current volume of rain and wintry weather is causing concern about flooding
- A.** **The blame for this falls squarely on the shoulders of the gas, electricity and telecoms companies who have breached a nearby culvert.**

**Investigations have shown that the culvert has actually been compromised by multiple intrusions from these companies including 5 British Telecom ducts, a 9 inch gas main and 4 electricity cables.**

**Before the Council can repair the culvert these services have to be removed. The respective companies have taken responsibility for their intrusions into the culvert and are making arrangements to rectify the situation.**

**Given that one of the services is a high-voltage electricity cable and that there have been periods of prolonged wet weather and high water flow, it has not been safe to enter the culvert to undertake any works.**

**Once the companies have made the site safe then the Council will be able to repair the culvert and undertake any de-silting works that are required.**

**The Council is doing everything it can to persuade the companies to sort this situation out quickly. We have asked for the contact details of their executive officers so that Bury's Chief Executive can engage in direct discussions with them to request that they expedite their works due to the high levels of disruption and safety issues that are ongoing whilst this issue remains unresolved.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SHORI  
DEPUTY LEADER AND CABINET MEMBER FOR FINANCE  
AND HOUSING**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 2 submitted by  
Councillor Mallon**

- Q.** I appreciate the CSR is still being analysed and we wait the formal settlement. However, is the leader confident that we will finally get a “Fair Deal for Bury”?
- A.** **The CSR is still being analysed, and is throwing up more questions than answers at this stage.**

**Analysis of the mainstream settlement suggests cuts nationally of 30.1% by 2019/20, however the picture for Bury suggests a cut of 32% - so I’m afraid Bury is still not getting a “fair deal”.**

**In addition, we are getting increasingly concerned about the impact upon other funding streams, e.g. changes being mooted to the New Homes Bonus, the Education Services Grant, Benefits Admin Grants, and new burdens such as the Apprenticeship Levy.**

**The reality is we will not know until the Settlement – which is expected next week.**

**To be in this uncertain position, so close to when we have to legally set the budget is frankly unacceptable.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR WALMSLEY  
CABINET MEMBER RESOURCE AND REGULATION  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 3 submitted by  
Councillor Fitzwalter**

- Q.** Will the Leader join me in celebrating the decision to overturn the appeal against Bury Council’s Planning Committee’s decision to refuse planning permission for the AD Plant in Ramsbottom? And does he agree that this is a good example of what can be achieved when local people and Bury’s Labour Council work together for a common purpose.
- A.** **After what was clearly a thorough Public Inquiry, the Secretary of State has dismissed the recent appeal for an AD Plant in Ramsbottom and effectively upheld the decision of the Council’s Planning Control Committee to refuse the application for planning permission.**

**I am mindful that there are options still available to the applicant following this decision and as such, I am appropriately cautious. I am minded to suggest that all Members remain equally cautious.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR WALMSLEY  
CABINET MEMBER RESOURCE AND REGULATION  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 4 submitted by  
Councillor Susan Southworth**

**Q.** Greater Manchester Councils are currently consulting on growth options through the Greater Manchester Spatial Framework. Could the Leader please comment on the nature of these options and what might the implications be for Bury?

**A.** **Consultation on three Strategic Options for housing and employment growth across Greater Manchester commenced on 9 November and will run to 11 January 2016.**

**The outcome of the consultation will help to deliver an informed decision on the actual level of growth to be planned for when the draft Spatial Framework is consulted on, towards the end of next year. This will take account of responses received and any updated evidence.**

**At this stage, the Spatial Framework will seek to distribute the proposed level of growth across the ten districts. This will take account of the opportunities and constraints in each district. However, it is too early to understand what the implications will be for Bury, or indeed any of the other districts, until such time as the level of growth is agreed.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR WALMSLEY  
CABINET MEMBER RESOURCE AND REGULATION  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

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**Suggested answer to written Question 5 submitted by  
Councillor Roy Walker**

- Q.** Could we be informed of the income from fines imposed on drivers in the bus lane on Bolton Road in Church Ward and by comparison the income from drivers contravening the bus lane regulations on Rochdale Road in East Ward in the 12 months up to 1st September 2015?
- A.** The PCN (Penalty Charge Notice) income data is not collected in a format where this information can be supplied. Overall income from individual bus lanes is not known as we do not split the income stream down.

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SHORI  
DEPUTY LEADER AND CABINET MEMBER FOR FINANCE  
AND HOUSING**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 6 submitted by  
Councillor Sarah Southworth**

- Q.** Can the Leader confirm whether the proposed “Social Care Precept” would be sufficient to support the pressures facing Social Care Budgets in Bury?
- A.** **The Social Care Precept would yield approximately £1.3 million for Bury Council.**

**This does not even begin to address the pressures that exist now in the Health & Social Care system let alone future pressures.**

**The situation stands to get even more critical as these pressures continue to rise as a result of demography, demand and expectation changes.**

**I would also make it clear that the Government is actually offering us nothing here – they have simply passed responsibility for this structural deficit onto Local Taxpayers.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015  
NOTE FOR: COUNCILLOR BLACK  
DEPUTY CABINET MEMBER  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 7 submitted by  
Councillor Holt**

- Q.** It is encouraging to see that the Government is following the Council’s lead in promoting apprenticeships. However, what will be the financial impact of the proposed “Apprentice Levy” on the Council?
- A.** **Bury has led the way in terms of developing its apprentice programme – we have assisted over 100 young people, and this was recognised in the recent Sunday Telegraph awards for the top 50 employers where we were commended for our approach.**

**So Yes, it is encouraging to see the Government recognising the importance of these schemes – albeit late in the day. We understand the Apprentice Levy is to be set at 0.5% of the paybill, and we understand it will apply to Local Authorities.**

**Whilst we fully support the development of apprenticeships, this will be a new financial burden approaching £0.5 million per annum.**

**This comes on top of reduced settlement funding, reduced grants and increasing demand pressures.**

**We will be lobbying for this new charge to be recognised in our funding settlement, however as always I expect this will not be addressed.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SIMPSON  
CABINET MEMBER HEALTH AND WELLBEING  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 8 submitted by  
Councillor Noel Bayley**

- Q.** Can the Leader tell me what expected outcomes and economies of scale he would expect with one commissioning arm between Adult Social Care and the CCG?
- A.** **The joining up of commissioning functions is essential if we are to create financial efficiencies, reduce duplication and create a health and care system that is built around the needs of residents. However, significant and detailed work will have to be undertaken during the next 12 months to identify where any future savings may come from.**

**For Bury, work is underway to consider the function of one commissioning organisation, with one coherent vision for Bury. The principle is to ensure a consistent message to both the people of Bury and providers working within the care and wellbeing sector in Bury.**

**It was agreed within a senior management workshop to work towards being one commissioning organisation for Bury.**

**The overall vision towards which both the Council and the Clinical Commissioning Group are working has been defined as follows:**

***A Commissioning purpose that changes people's lifestyles and behaviours through high quality provision of:***

- ***Education and Information***
- ***Prevention***
- ***Self care and self management***
- ***Care and support***

***in order to maximise the number of people who live out their lives in the best possible way as determined by the individual***

**Further updates will be provided to Council as the work progresses over the coming months.**

## **BURY COUNCIL**

### **COUNCIL MEETING –9 DECEMBER 2015**

#### **NOTE FOR: COUNCILLOR HENEGHAN CABINET MEMBER FOR CHILDREN FAMILIES AND CULTURE**

#### **ITEM (6) – LEADER’S STATEMENT AND CABINET QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

#### **Suggested answer to written Question 9 submitted by Councillor Pickstone**

- Q.** Two years ago Council agreed a very welcome motion on the subject of homophobic bullying, particularly in our schools. I would be grateful if the Leader could provide members with an update on progress made on this issue?
- A.** **I am pleased to confirm there has been a great deal of work done over the past two years to seek to prevent and address homophobic bullying in schools**

**As well as supporting schools with ideas and materials for PSHE lessons we developed a hate crime immersion day with one of our faith high schools. It involves partnership work which includes Greater Manchester Police. 8 of our secondary schools have received this input. It is now being rolled out year on year in these schools as an ongoing piece of education to address all 6 strands of hate crime.**

**Last year we organised a hate crime conference for both primary & secondary schools. It was attended by secondary pupils as well as professionals. The POG group (Proud of Gayness, which is supported by our Youth Service) delivered one of the workshops at the conference.**

**All of the primary schools received a free training pack aimed at year 6 pupils which addressed all forms of hate crime.**

**We are currently working with partners to form an inter school hate crime youth forum. We have just received confirmation from GMP for funding for £1000 to hold an event in February 2016 to coincide with LGBT history month.**

**Last year we ran our first transgender training day for professionals which was really well received. Whilst there is always more we can do we are putting very considerable effort into this agenda and we believe it is having some real impact.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR WALMSLEY  
CABINET MEMBER RESOURCE AND REGULATION**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 10 submitted by  
Councillor Gartside**

**Q.** Will the Leader of the Council bring some festive cheer to the shoppers and businesses in Bury by allowing free parking in our town centre after 3pm in the run up to Christmas?

**A** **The Town Centre Car Parks are already very busy, implementing free after 3pm parking would not encourage extra footfall, it would just displace existing parkers.**

**There would also be a substantial cost to the Council, equating to approximately 30% of pay and display revenue, and possibly more if parkers then opted to come into town later.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SHORI  
DEPUTY LEADER AND CABINET MEMBER FOR FINANCE  
AND HOUSING**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 11 submitted by  
Councillor Quinn**

- Q.** Can the Leader tell me what the anticipated costs will be of implementing the Living Wage, especially with regard to Adult Social Care which I believe will be the most affected Department and what we can do to mitigate this?
- A.** **This Council has always been committed to paying a fair wage, and this is demonstrated by the “Bury Wage” which we have introduced.**

**Where initiatives such as the living wage proposals are applied nationally, they will have a significant impact on both our paybill, and the prices we pay for commissioned services.**

**We estimate there could be a combined impact in excess of £12 million by 2020.**

**Our main concern is how we are expected to fund these costs.**

**Local Authorities are lobbying the Government to have these costs recognised in the funding Settlement, however I expect we will have to absorb them – along with other funding reductions and cost pressures.**

## **BURY COUNCIL**

### **COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR CONNOLLY  
LEADER OF THE COUNCIL  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

#### **Suggested answer to written Question 12 submitted by Councillor Sarah Southworth**

- Q.** Would the Leader join me in congratulating the winners of the recent “Made in Bury Business Awards”, and agree that this event was an excellent showcase of talent and business in Bury?
- A.** **I wholeheartedly agree that this Council should congratulate all the winners of the 2015 Made in Bury Business Awards.**

**Now in its third year, it has quickly become the highlight of the year for many of our businesses. The Made in Bury Business Awards are an important element of our commitment to supporting a stronger economy. Bury Council’s reputation amongst the businesses community is greatly enhanced by our continuous endeavour to foster excellent relationships and partnerships with Bury businesses.**

**This year alone we have sponsored the Made in Bury Business Fair, funded a dedicated Business Growth Advisor, hosted 4 business breakfasts and delivered a dedicated tendering master class to over 30 businesses. The Chief Executive and I have visited over 30 businesses and have been blown away by the fantastic, creative, entrepreneurial spirit that is spread right across our townships.**

**We intend that this relationship continues to thrive and demonstrates this Council's recognition that enterprise is vital to grow our economy, provide jobs and make Bury a wonderful place in which to live and work.**

**Finally our congratulations go not just to the winners but to all those companies large and small who make such a valuable contribution to our borough.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR CONNOLLY  
LEADER OF THE COUNCIL  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

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**Suggested answer to written Question 13 submitted by  
Councillor Jones**

**Q.** It is now almost 12 months since the Council achieved the prestigious Purple Flag status for Bury Town Centre. Could the Leader explain how has this been promoted and what happens next?

**A.** In February Bury became the first, and only, town Centre in Greater Manchester to achieve Purple Flag accreditation. This award recognises the high standard achieved managing our Evening and Night Time Economy and diverse mix of venues, entertainment and events that appeal to all.

**Purple Flag is a positive initiative which provides a marketing opportunity Bury Town Centre’s evening and night time offer.**

**Since February this year our Purple Flag promotional campaign has included**

- **Purple Flags outside Council Buildings**
- **Social media and website features**
- **Banners and posters at key locations,**
- **A joint Purple Flag/VisitBury information stand at the Bury Business Fair and at Bury Light Night.**
- **Businesses and venues in the town centre are displaying posters, branded beer mats and window stickers.**

**A “light touch” renewal is required to maintain our accreditation after 12 months. This renewal, summarising our activities was submitted in October this year. A decision is expected in January 2016 following consideration by the ATCM (Association of Town Centre Management Assessors panel).**

**Our great strength in Bury is our strong partnership working with a range of key stakeholders and key venues. All of us are focussed on delivering a higher quality environment, with more visitors and lower crime and anti-social behaviour. We know that Bury is such a great place to visit during the daytime, and Purple Flag supports our local economy by extending that fabulous experience throughout the evening.**

## **BURY COUNCIL**

### **COUNCIL MEETING –9 DECEMBER 2015**

#### **NOTE FOR: COUNCILLOR ISHERWOOD CABINET MEMBER FOR ENVIRONMENT ITEM (6) – LEADER’S STATEMENT AND CABINET QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

#### **Suggested answer to written Question 14 submitted by Councillor Wright**

- Q.** As the budget for leaf clearance has been reduced, will the Leader support a suggestion I recently put to Officers, that volunteers are now given permission to clear leaves on public pathways which are proving to be hazardous, especially for the elderly?
- A.** **The Council’s street cleaning workforce removes in excess of 100 tonnes of leaves from our footpaths and roads each year.**

**The Council would be keen to work with voluntary groups who wish to work on self help schemes to improve their local communities including leaf clearance.**

**From a road safety perspective, volunteer groups would require briefing and induction regarding personal safety when working near the carriageway. Groups should contact the Council’s road safety team for advice and training before carrying out voluntary work.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SHORI**

**DEPUTY LEADER AND CABINET MEMBER FOR FINANCE  
AND HOUSING**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 15 submitted by  
Councillor O’Brien**

- Q.** What will be the impact on the Council of the proposed £600m reduction in the Education Services Grant?
- A.** **Firstly, I would like to commend the Chancellor, for achieving the mathematically impossible.**

**The total ESG paid out nationally is £564 million, and yet he is proposing to cut £600 million by 2020 –maybe this is just a rounding – what’s £36 million between friends ?**

**On a serious note, Bury receives almost £3 million in ESG; this funds mainstream services which support the Council’s statutory education responsibilities.**

**Withdrawal of this funding will therefore have a significant effect in addition to the 32.0% cut we are experiencing to our substantive settlement.**

## **BURY COUNCIL**

### **COUNCIL MEETING –9 DECEMBER 2015 NOTE FOR: COUNCILLOR HENEGHAN CABINET MEMBER FOR CHILDREN FAMILIES AND CULTURE**

#### **ITEM (6) – LEADER’S STATEMENT AND CABINET QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

#### **Suggested answer to written Question 16 submitted by Councillor Parnell**

- Q.** Can the Leader provide an update on the work of the Children’s Rights Service?
- A.** **The purpose of the Bury Children’s Rights service is to give children and young people in care a voice. They are a small team (three) whose work includes:**
- **Visiting within 4 weeks all new (over 8 yrs) entrants into care, providing them a coming into care pack, they explain what being in care means, the arrangements for advocacy and the complaints procedure.**
  - **Supervision of 24 volunteers - who provide independent visiting services to 27 children.**
  - **Training of new volunteers.**
  - **Undertaking return interviews for any young people who ‘go missing from care’.**
  - **Supporting the Children in Care Council and the junior Children in Care Council – including arranging highly successful participation events e.g. the recent Halloween themed event.**

- **Training and supporting young people in care to deliver 'Total Respect' training' to professionals from a range of agencies - and also to deliver pre-approval foster carer training.**
- **Supporting and advocating for young people in the rare circumstance that a young person disagrees with their local authority care plan.**

**During the course of 2015 Bury Children's Rights service has delivered a quality participation service despite the loss of two the team.**

**The service has been supported during this period by the youth participation service. Recruitment activity is underway and the service will become fully staffed early in the New Year.**

**The Leader has previously referred to the LILAC Review which looked at our work with Children and Young People in Care. They found in Bury 'a shared culture of participation throughout services for young people in care and care leavers' and they noted in particular that:**

**'Bury Children Right's Service has a high profile with young people, staff and carers and provides a strong driver to putting into practice the values and commitments from above'.**

**They are a small but every effective and very valuable service.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR ISHERWOOD  
CABINET MEMBER FOR ENVIRONMENT  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

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**Suggested answer to written Question 17 submitted by  
Councillor Hodgkinson**

**Q.** Ramsbottom Town Centre road markings have been allowed to fade so badly that at several busy junctions there is no visible evidence they ever existed. Can the leader give assurances that road markings will be reinstated as a matter of urgency and maintained in future so that they never get into the appalling state that they are currently in?

**A.** **The condition of road markings is assessed as a part of our programme of routine Highway Safety Inspections.**

**The reinstatement of road markings is considered on a needs basis taking into account highway safety and enforcement.**

**I am aware that instructions are currently with our external road markings contractor to reinstate several streets within Ramsbottom Town Centre and that these works are scheduled to be completed by the end of January 2016, subject to favourable weather condition.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR WALMSLEY  
CABINET MEMBER FOR RESOURCE AND REGULATION  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

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**Suggested answer to written Question 18 submitted by  
Councillor D’Albert**

- Q.** Previously members have asked about the use of the ‘camera car’ to address illegal and unsafe parking outside of schools. Could the Leader please inform members if this is a use that is being considered?
- A.** **The CCTV car is currently utilised during peak and off peak periods to enforce bus lanes. At some point in the future we may look at investing in fixed CCTV equipment to enforce bus lanes. This would then free up the vehicle to carry out enforcement outside schools. In order to carry out this type of enforcement we will need to apply for a new approved device status for the vehicle from DfT. The current approval would not cover the variation in enforcement.**

**I would also state that I cannot foresee any more schools being covered per occasion due to the small window of school start & finish times.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015  
NOTE FOR: COUNCILLOR HENEGHAN  
CABINET MEMBER FOR CHILDREN FAMILIES AND  
CULTURE**

**ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

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**Suggested answer to written Question 19 submitted by  
Councillor Walker**

- Q.** How many foreign delegates (at £50-00 per head) attended the International Arts Conference hosted by the Sculpture Centre in 2014 ?
- A.** **The event which was held in 2014 was not an international art conference in 2014 - it was an international summer school. It was held in the Art Gallery rather than the Sculpture Centre.**

**It was a workshop based week of training in how to work with galleries internationally. 18 participants attended of which 5 were from overseas (27%). The fee per head for attending the Summer School was £300 rather than £50. The Summer School was part of a bigger project in partnership with the University of London worth £17000 which was funded by The Arts & Humanities Research Council.**

**Such events show that Bury is establishing a national reputation for its work in promoting our art internationally.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SHORI  
DEPUTY LEADER AND CABINET MEMBER FOR FINANCE  
AND HOUSING  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 20 submitted by  
Councillor Gartside**

- Q.** Does the Leader of the Council think it will be necessary to raise the level of Council Tax by 2% next February in order to cope with any adult social care budget shortfalls?
- A.** **The 2016/17 Council Tax will be set by Full Council on 24<sup>th</sup> February 2016.**

**As I have already outlined, there is a lot of work to do before then to understand exactly what the Settlement means, and how other grants are affected.**

**Is 2% sufficient ?**

**No – this does not even address the pressures that exist in the system now.**

**And, I reiterate again – the Government is doing nothing to help Local Authorities with this precept – it is simply “passing the buck” to Local Taxpayers.**

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR SIMPSON  
CABINET MEMBER HEALTH AND WELLBEING  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore the question should not be read out.)

**Suggested answer to written Question 21 submitted by  
Councillor Pickstone**

**Q.** Could the Leader inform members what proportion of home care visits in the last year are of 15 minutes or less, and what proportion of home care visits are 5 minutes or less?

**A.** **The following information is based on Electric Care Monitoring. On average there are 549,129 visits provided, 37% of which are 15 minutes or under and 4% of visits which are provided are 5 minutes or under. These visits are largely to monitor that medication has been taken by the customer or as a pop in visit to check on welfare.**

	<b>ANNUAL VISITS</b>	<b>%</b>
<b>Total number of visits</b>	<b>549129</b>	
<b>Number of visits 15 minutes or under</b>	<b>201949</b>	<b>37%</b>
<b>Number of visits 5 minutes or under</b>	<b>22343</b>	<b>4%</b>

**BURY COUNCIL**

**COUNCIL MEETING –9 DECEMBER 2015**

**NOTE FOR: COUNCILLOR ISHERWOOD  
CABINET MEMBER FOR ENVIRONMENT  
ITEM (6) – LEADER’S STATEMENT AND CABINET  
QUESTION TIME**

(Note: A printed version of the question has been circulated around the Council Chamber at the back of the Order of Proceedings and therefore **the question should not be read out.**)

**Suggested answer to written Question 22 submitted by  
Councillor D’Albert**

**Q.** Could the Leader please inform members on how much money is being spent, either by the Council or through an approximation of any private sector support, on Christmas trees and decorations in each of the Borough’s towns?

**A.** **The Council provides 7 Christmas trees across the borough including lights. The cost for each tree including purchase, erection and dismantling is £750 for each tree. The cost for the tree lights including testing, installing, taking down and storage is £950 for each tree.**

**Ramsbottom and Tottington businesses provide their own Christmas lights on a self help basis in the form of small illuminated Christmas trees fixed to premises throughout the 2 towns. We not have details of the cost of this works as the Council is not involved.**

**Radcliffe also has Christmas lighting on a self help basis which is organised by the Radcliffe Carnival Committee and funded through various contributions collected by the Committee.**

**The Rock Bury and Mill Gate Bury also provide their own Christmas lights and I do not have details of the funding.**

## GMWDA Update

### Last Authority meeting

At the Authority meeting on 18<sup>th</sup> September 2015 the main discussions surrounded the Budget and Levy 2016/17, Medium Term Financial Plan (MTFP) to 2018/19, and Longer Term Plan to 2020/21. Members were reassured that the zero percent Levy increase in 2016/17 would be delivered, and early consideration was being given to the options that were available to reduce the burden of the Levy on Districts for future years.

### Contract Update

Contract performance in 2014/15 was affected by delays at the Runcorn Thermal Power Station (TPS) and defects at the Mechanical and Biological Treatment (MBT) facilities. The landfill diversion achieved in 2014/15 was 71.74% against a target of 74.83%. Whilst below target, this represents a significant improvement in performance from the beginning of the year.

All sites are now through the initial construction phase and work is now on-going to ensure any snagging issues and repairs are completed and hitting the target for 2015/16 of 81.3% diversion from landfill.

The Solar Farm at Salford Road is now complete and will produce 2,220 MWh energy yield per annum (pa). It consists of 8,400 solar panels on a 2.8 ha site saving over 600 tonnes of carbon and producing enough power to provide energy for c. 600 homes.

### Communications Update

The LIFE+ Up and Forward Project submitted its final report to the European Commission in October 2015. Overall results support our initial premise that innovative community led activity is critical to improving recycling within urban areas of Greater Manchester. Of the campaigns the most successful were those under the Household theme; in particular, the Recycling Rewards 'Golden Ticket' campaign. Case studies and reports are now available on the Up & Forward Project website. <http://upandforward.recycleforgreatermanchester.com/>

The key learnings, methodology and positive outcomes from the LIFE+ Up & Forward Project have been taken forward and used as good practice in the GMWDA communications plan for 2015/16. Campaign work to improve recycling through engaging and working with the community is now continuing with Recycle for Greater Manchester (R4GM). The 1-year plan aims to improve recycling in mid-performing areas through targeted community campaigns, as opposed to big-picture messages (as in previous years).

In Bury, the Right Stuff Right Bin campaign started in June 2015 to 10,250 households. Initial results show a reduction in residual waste, an increase in commingled tonnages and a decline in pulpables (mixed paper and card). The pulpables decline is consistent with an overall decline seen across Greater Manchester over the same period which may be due to changing consumer habits and increased use of electronic media. Further work has also been undertaken in high rise and multi-occupancy properties in the Borough to improve recycling.

R4GM are continuing to promote recycling through educational assemblies at schools, community events and by holding open days at Greater Manchester waste and recycling sites for the public.

The BBC1 programme Hugh's War on Waste aired in November 2015 and featured a visit to a community in Prestwich, who had their rubbish monitored as part of the show. Local residents were also shown visiting the Longley Lane Materials Recycling Facility.

## Targets

Greater Manchester's recycling & composting rate for Contract Waste was 41.04% in 2014/15. The target for 2015/16 is 43%. The partnership is making significant progress and with everyone's help the target of 50% by 2016/17 is achievable.

Initial reports suggest Bury's percentage of household waste sent for Re-use, Recycling or Composting for 2014/15 was 46.6% although this is yet to be confirmed. Work is still needed to get Bury's residents to become accurate recyclers.

**Council Meeting – 9 December 2015**

**Joint Authority Questions:-**

**1. Councillor D'Albert**

**Q.** Could the Council's spokesperson on the Transport for Greater Manchester Committee inform members of what could be done to improve night time services in the Bury 'corridor', either through the re-instatement of the 135 night service or later night running of Metrolink or other services.

**A.** **The night journeys on service 135 Bury to Manchester were wholly operated commercially by First. First decided to withdraw the journeys that operated late on Friday and Saturday nights. This took effect from 30th January 2015.**

**Due to ongoing budgetary pressures, TfGM has to reduce its expenditure on supported bus services by 7.1 million up to the end of 2015/2016. This equates to approximately 20% of the previous level of expenditure.**

**As part of the required budgetary cuts to subsidised services, Transport for Greater Manchester made the difficult decision, endorsed by Transport for Greater Manchester Committee, not to continue to support the night network and it withdrew subsidised night journeys that were operating in other areas.**

**Taking this context into account, TfGM is not in a position to reinstate Bury night journeys through subsidy that were previously operated on a commercial basis.**

**Metrolink lines have various start and end times through the week with some continuing to run past 1am on Saturday nights to meet the prevailing level of demand. However, for special events such as Parklife (hosted recently at Heaton Park), which attracts over 70,000 event goers per day, TfGM request that the operator extend services beyond regular operating hours.**

**TfGM, together with MRDL have assessed the demand for running services later across the board or throughout the week and currently it would not be sustainable. They also have to balance the need to carry out routine maintenance and cleaning of the tram fleet, which has to be done outside service hours.**

**(To be answered by Councillor Noel Bayley – Committee for Transport for Greater Manchester Transport representative)**

**2. Councillor Pickstone**

Q. Could the Council's representative to the Greater Manchester Pensions Fund please give members an update on any proposals or discussions about the future merging of local authority pension schemes into 'investment funds', and what the response of GMPF has been on these proposals?

**A. The Government is looking to establish up to 6 pools, each with assets of at least £25bn. It is also looking to see increased investment in infrastructure.**

**For GMPF, discussions on collaboration have been on-going for the last 2 months with a number of other, predominantly northern based LGPS funds. GMPF have been leading these discussions through the Chair, Cllr Kieran Quinn.**

**The Fund's long-term vision envisages creating with other like-minded funds a large pool of assets that provides:**

- **Access to a range of internal and external investment management arrangements for listed assets such as investments in companies and loans to governments and companies at low cost**
- **Collective investing in alternative investments such as private equity**
- **An increase scale and reduced risk of investing in infrastructure**

**GMPF have also been contributing to the national debate for example through a seminar sponsored by the Fund, Local Authority Pension Fund Forum and LGA.**

**Administering Authorities will retain responsibilities for asset allocation.**

**GMPF's Management Panel meets on Friday, 11 December to discuss the documents published by the Government on LGPS Investment Pooling and the criteria for judging proposals and consider the report on discussions with other potential collaboration partners.**

**Administering authorities need to submit their initial proposals by 19 February 2016, setting out their commitment to pooling and a description of their process towards finalising their arrangements with other funds.**

**Refined and completed submissions need to be made by 15 July 2016 and they must address how they meet the criteria. This will include costs and savings, transition issues and the rational for any assets held outside the pool.**

(To be answered by Councillor Grimshaw – Greater Manchester Pension Fund Representative)

**Corporate Parenting Board****Agenda  
Item****MEETING DATE: December 2015****REPORT TITLE: Annual Report to Council****CONTACT OFFICER: Jackie Gower Assistant Director, Social Care & Safeguarding**

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**1.0 BACKGROUND**

This highlights key issues from the year end performance information for Looked after children and the priorities for the Service for Looked after children.

**2.0 WHAT IS WORKING WELL**

- Achieving legal permanency – We have continued to have a high rate of adoptions, Special Guardianship Orders (SGO) and Residence Orders. This is very positive for Bury children. The number of children adopted in 2014-2015 was the highest ever achieved in one year – 29 - and permanence was secured for 7 children through SGOs and for one other through a Residence Order.
- The duration of Care Proceedings continued to improve throughout the year, with the majority of proceedings being completed within or near the 26 weeks timescale. In order to minimise delay and drift for children in care the work to improve the preparation of cases prior to proceedings and to ensure the timeliness of care planning continues.
- The Independent Reviewing Service achieves a very high proportion of Looked after reviews held within timescale, calculated at 95.9% in the year to 31 March 2015
- Placing children near to home is a continued strength and enables children to be better supported and maintain family contact. The overwhelming majority of children Looked after by Bury are placed within twenty miles of home; Bury performs well against our statistical neighbours against this measure and the indicator 'Placements 3' in the *Children in Care and Adoption Performance Scorecard* ranks Bury equal sixth nationally for the three-year period of 2011-2014.
- The Fostering Service 'Invest to Save' initiative continued throughout the year with an overall increase of 13 fostering households. The increase has improved placement choice for younger children and highlighted the areas for development in 2015/16 – placements for older children, sibling groups and permanent placements will be the focus of the services marketing and recruitment activity during this year

- The service has developed a 'payment for skills' model for Foster Carers in order to attract Carers for more complex children and teenagers and to compete with Independent Agencies.
- The 'invest to save' in the Adoption service allowed us to continue to recruit at the same rate as the previous year resulting at year end with a group of prospective adopters available to take children from Bury or from other local authorities. The Service specifically targeted its recruitment outside the Borough so as to facilitate the placement of our children with Bury adopters
- All children with a plan for adoption in the year were matched to and placed with adoptive carers.
- Whilst recruitment of adopters was highly successful in 2014/15 the year saw a significant change in the judiciary's attitude to Adoption and the making of Placement Orders, resulting in a significant down turn in the number of children to be put forward for adoption. The emphasis has been on maintaining children within their families with sometimes significant support resulting in more children placed with family and friends.
- The new Payment For Skills framework recognises the valuable work of family and friends carers and they are now offered the same financial incentives linked to training and development opportunities as mainstream carers.
- The total number of children and young people in residential care remains relatively low, 39 or 15.4%. The great majority of our Looked after children live within either their own extended family or with a foster family.
- Educational outcomes are good. Progress measures were positive across all key stages in 2015, Personal Education Plans (PEPs) are improving in their quality (approximately 85% are Good or Outstanding) and that we have launched post-16 PEPs and Early Years PEPs. We currently have 17 young people attending university (six of whom went up in autumn 2015).
- The health needs of our looked after children are well met. The CAMHS Outreach team (Child and Adolescent Mental Health Service) continues to provide expert consultation, advice and training to professionals and carers for children and young people in care. The team works with approximately 25% of our looked after population in Bury and is greatly valued by colleagues in social care, education and health.
- We are successful in preventing the majority of young people from being discharged from care too early and in supporting them to acquire independence skills. Those who leave care at 16 and 17 are very few and mainly do so at their own behest: there were 6 discharges for 16-year-olds, 8 discharges for 17-year-olds and 46 discharges of people on their 18th birthday. There are currently 12 young people in continuing care, which means they remain with their foster carers post-18 years of age.
- We work closely with the commissioning team to manage and monitor the external placements and Care Leavers Accommodation budgets. The Commissioning Team have ensured that savings are made by being part of regional commissioning for Foster Care and Residential Placements. During

2014-2015 Bury has made a number of significant improvements to the overall placement process, with the introduction of weekly multi-agency working partnership meetings. These cover residential, fostering and leaving care placements. The partnership meeting also underpins our Early Help programme for placements and enables the team to direct early intervention towards vulnerable placements before breakdown. Bury is also participating in the new leaving care contract for 2015/17 and has been an active partner in the tendering process, from service design to provider analysis.

### **3.0 WHAT NEEDS TO WORK BETTER AND WHAT ACTION IS IN PLACE TO ADDRESS THIS**

**3.1** Throughout 2014-2015 there was a continuing trend in a reduction in the number of children Looked after at each month end. The high point in the number of Looked after children was August 2012 (350), since when the trend has been steadily downwards. There were 293 children Looked after at 31 March 2015, a rate of 69 per 10,000 0-17 years child population.

By 31 March 2015 our Looked after rate had become much more favourable by comparison with the North West and our statistical neighbour group. Between July 2011 and September 2012 Bury's 'Looked After' rate was above that of all the comparator groups, i.e. the North West, statistical neighbours and England. Throughout 2014-2015 our rate was well beneath that of the North West and was close to, or lower than, the average rate for our group of statistical neighbours.

In 2014-2015 the number of children who became looked after increased by 21 over the previous year (137), but the number of children leaving care (155) was the highest since 2008-2009.

Our target to reduce the overall number of Looked after children in Bury to below 300 was achieved. The average duration from admission into care to placement, for children adopted in 2014-2015, was 464 days – considerably less than the 606-day average for 2013-2014, despite more children being adopted in 2014-2015 (29 against 21 in 2013-2014). The average duration from the granting of a placement order (where applicable) to the child being matched with prospective parents was less higher than in the previous two years.

In order to achieve this target the Placement Strategy identifies the following priorities:

#### **Priority 1**

- *To reduce the need for children and young people to enter the care system by supporting families to stay together where it is safe and in the child's best interest to do so*

#### **Priority 2**

- *For those children and young people who enter the care system, to provide a choice of placements which meets their assessed needs*

#### **Priority 3**

- *To achieve permanent arrangements outside the care system at the earliest opportunity for children and young people for whom this is planned*

## Priority 4

- *To ensure that children and young people in long term care are supported, according to their needs to make a successful transition (from the care system) to adulthood*

Each priority is supported by a work plan that is monitored by the CPB Placement sub group; this was updated at year end to add new targets for 2015/16

The number of children placed with Independent Foster Carers is reducing slowly – the use of such placements by Bury is now usually consequent on the need to keep sibling groups together or to place a young teenager who has complex needs.

**3.2** Long-term stability (in placement for two years where looked after for two and a half years and aged under 16) is 67.5% (81 out of 120). For each of the last few years, the England figure has been either 67% or 68%. Statistical neighbour performance was similar but it is hoped this can be improved with better planning and placement support.

**3.3** In order to enhance placement stability and ensure that children are secured in permanent placements as early as possible a plan for a dedicated team from within existing resource has been drawn up that will provide a well co-ordinated approach to working with young people in care with complex social and emotional needs will be operational by April 2016.

**3.4** The Fostering Service has developed and is now recruiting to a scheme to provide carers for older children who would work closely with the above team to provide task centred care until the young person could move on to less structured care. This would involve enhanced training and support for carers.

**3.5** The CYPIC team as it is now configured would focus more on achieving permanence for younger children who are unlikely to be adopted by promoting Special Guardianship Orders, Child Arrangement Orders and where possible reunification with family. They would work closely with Kinship Carers and through the SGO support worker and make available ongoing support to Special Guardians.

## **4.0 HOW HAVE YOU INCLUDED THE VOICE OF THE CHILD/YOUNG PERSON?**

- Key priorities reflect the issues that young people have confirmed are important to them in a number of consultation events, especially in relation to stability, keeping siblings together and contact with family.
- “Madhouse” participation days continue to be provided in each school holiday - 7 days per year and offer children a collective opportunity to have their voices heard. There is also an annual residential event which took place in the Summer holidays and was attended by 11 children this year.
- Bury achieved an exceptionally high rate of participation in reviews. For 2014-2015, of the 756 reviews recorded in our statutory return for children that were aged 4+ at the time of their review, 723 (95.6%) indicated participation from the child.
- Bury Children’s Rights offers a visit to every child over the age of 8 who becomes newly Looked after. Arranged within four weeks of admission, BCR will explain what they do, what forms of additional support are available and how the child or young person can access advocacy services.

Take up of visits and subsequent support and advocacy is high; generally, between two thirds and three quarters of interviewees take up the offer.

- Children's Rights Service continues to visit children when they first come into care to ensure that they know who to contact if they need advocacy support.
- The CiCC contributed to the Corporate Parenting Strategy and a very vibrant Junior CiCC has been established which is well attended by our younger looked after children. Plans for the 2015 celebration event had to be abandoned following the accident at Alton Towers, the awards will however be made at the Children and Young People's Christmas parties. An event will be planned with the Young People for 2016.
- Care Leavers have contributed to a review of their Service and a Care Leavers Forum has been established.
- The Local Authority put itself forward in 2015 for a LILAC assessment and a group of people worked throughout the year to embed the participation of young people across the service – an early success was the involvement of young people in the recruitment and training of foster carers

### **5.0 IS ANY ACTION REQUIRED FROM CORPORATE PARENTING PANEL**

**Note the report.**

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**List of/Link to Background Papers:** Children's Social Care Performance Information Report 2012/13

**Contact Details: Jackie Gower [J.Gower@bury.gov.uk](mailto:J.Gower@bury.gov.uk)**

*[Report Author]*

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# **Bury Corporate Parenting Strategy 2013-16: 2015 update**

## **1. Our Vision**

“To do our best as parents for children and young people in our care”

## **2. Introduction**

There is a whole range of reasons why children and young people cannot be cared for by their birth families. In these instances the local authority takes responsibility for these children and young people. ‘Corporate Parenting’ is about how the local authority and its partners, such as the health service, housing and schools, act as responsible parents to children and young people in their care. This responsibility continues as young people make the transition into independence and adulthood.

Corporate Parenting is not the sole responsibility of Children’s Social Care or the Corporate Parenting Board. It is the responsibility of the whole Council, including councillors, council officers, teachers, GP’s, health workers and other partners to recognise that they are corporate parents and identify what they can do to promote the life chances of all children and young people in our care.

When providing and monitoring services for children and young people in care, we should challenge ourselves by asking “would this be good enough for my child?”. We need to make sure that all children and young people in our care feel safe and secure, have stability in their lives and that we help them to achieve their full potential by supporting them in their ambitions and aspirations.

This update to Bury Corporate Parenting Strategy 2013-16 sets out our promise to children and young people in care, how this will be delivered and the governance arrangements to ensure that the Council and partner agencies act as good corporate parents.

## **3. Our Strategy**

In Bury our Corporate Parenting Strategy is about how we will be the best parents we can be for children and young people in our care and how we will ensure that services and agencies work together to meet their needs. The Strategy encompasses all aspects of their wellbeing and development, including

their education, health and welfare, aspirations and achievements, and supporting them into adulthood.

Listening to children and young people is fundamental to a successful corporate parenting strategy, ensuring that they have a voice in decisions that affect them and about services they receive. Bury children and young people in care have told us what is important to them and this is set out in our 'Promise' to children and young people in care.

Meeting the 'Promise' is at the heart of our Corporate Parenting Strategy.

#### **4. Bury's Promise to Children and Young People in Care**

Bury's Promise to Children and Young People in Care was updated by children and young people in 2014 and adopted unanimously by full Council:-

We will tell you why you are in care and help you to understand these reasons.

We will ensure that you have a safe place to live with people who care about you up until you are 21 if that is what you wish.

We will listen to you and involve you in all decisions that affect you.

We will ensure you are able to have contact with your family and friends where possible.

We will support you in your education for as long as you want to continue learning.

We will support you to take part in hobbies and clubs outside of school.

We will care for you as we would our own children.

We will make you aware of your rights as Children and Young People in Care.

We will treat you as individuals and not assume that all Children and Young People in Care have the same needs and wishes.

We will support you with any health concerns.

We will ensure that all members of Bury Council understand their roles as Corporate Parents.

We will enable you to live with your siblings where possible and explain the reasons why if this is not possible.

We promise to keep changes in Social Worker to a minimum. If changes are necessary we will do our best to ensure your old social worker introduces you to your new social worker in advance of the change.

Similarly, our promise to young people leaving care is set out in a Care Charter which was developed by Bury Care Leavers Forum in 2015 (see Appendix 1).

Meeting the Promise and the Charter sets the foundation for our updated Corporate Parenting Strategy. We will know we have been successful if our children and young people:-

- Are safe, secure and protected and *feel* safe, secure and protected
- Are as physically and emotionally healthy and active as possible
- Have high aspirations and achieve the best that they can
- Are able to live with their own families or friends whenever it is safe for them to do so
- When they cannot live with their own families, they live close to home and school where it is in their best interests, and they are fully consulted throughout the process
- Move into independence and have a choice of suitable accommodation/ placements when they are ready to leave foster or residential care
- Have a voice at a strategic, service and operation level in decision making and service development
- Believe that we have met our promise

In addition to this we will champion the needs of children and young people in care across the Council and Partnerships.

## 5 Delivering the Strategy

### 5.1 Corporate Parenting Delivery Plan

To ensure progress against the Corporate Parenting Strategy, the Corporate Parenting Board has produced a Delivery Plan (Appendix 2). The Delivery Plan sets out the Board's objectives for the current year and how these will be achieved. The Board monitors the Delivery Plan on a regular basis and reviews it annually.

A key area of work undertaken by the Corporate Parenting Board in 2013/14 was to establish the framework and governance arrangements to develop and deliver the Corporate Parenting Strategy. This included establishing 4 Corporate Parenting sub groups:

- Placements
- Health & Wellbeing
- Education, Employment & Lifelong Learning
- Participation

The sub groups bring together agencies with responsibility for the well-being of children and young people in care and care leavers. They work to terms of reference and annual objectives which have been agreed by the Corporate Parenting Board (Appendix 3).

### **5.2 Monitoring the Strategy**

The Board meets six times a years and monitors progress against the Strategy and outcomes for children and young people in care and care leavers in a number of ways.

- The Corporate Parenting Board meetings include a themed discussion about an aspect of the lives of children and young people in care and care leavers. This is led by the relevant sub group and enables the Board to question and challenge services on behalf of the children and young people in their care. All sub group leaders attend at least once a year to provide a detailed report. In addition, the Board receives sub group minutes and additional ad hoc reports and/or briefings as required.
- The Corporate Parenting Board receives regular reports by which it can monitor outcomes for children and young people in care and the performance of services. This includes statutory reports, ie, fostering quarterly reports; adoption six-monthly reports and annual fostering reports. Other reports received by the Board are from the Children’s Rights Service; Independent Reviewing Services and the Annual Report of the Assistant Director Safeguarding & Social Care.
- The Corporate Parenting Board also acts as the governing body of the Virtual School for children and young people in care and receives termly reports from the Head of the Virtual School.
- Children and young people have a key role in ensuring the Corporate Parenting Strategy is delivered and that the Council and its partners are good corporate parents. The main forums through which Corporate Parenting Board communicates and consults with children and young people are the Children in Care Council (CICC) and Care Leavers Forum; and representatives actively participate in Corporate Parenting Board meetings.

## **6. Governance of the Strategy**

Bury Council devolves the authority for governance of the Corporate Parenting Strategy to the Corporate Parenting Board (Appendix 3), and oversees this through Cabinet.

The Council appoints 10 voting members to the Corporate Parenting Board, ie the Cabinet Member for Children & Families and 9 other elected members on the basis of a political balance. The Chair is appointed by the incumbent party as part of its annual appointing arrangements (the Cabinet Member for Children & Families is not eligible to be the Chair).

The Board also includes non-voting members and officers in attendance as detailed in the Terms of Reference (Appendix 3). Terms of Reference are agreed at full Council.

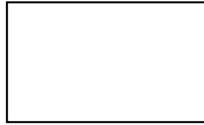
The Corporate Parenting Strategy is a public document which is approved at Cabinet and overseen by Corporate Parenting Board, with an annual progress report to Cabinet.

The function of the Corporate Parenting Board includes the authority to monitor and scrutinise performance of services for children and young people in care and care leavers on behalf of the Council. This Board requires Council services and partner agencies to attend Corporate Parenting Board meetings to account for performance and may also make visits to services to observe working at first-hand.

The Children in Care Council hold the Corporate Parenting Board to account for the Promise. Representatives attend Corporate Parenting Board meetings and have a standing item on the agenda and their views about all items on the agenda are encouraged. The Cabinet Member for Children & Families, Chair and other members of the Board meet with children and young people in care at their invitation at CICC meetings and other informal activities.

## Appendices

### **Appendix 1:** Care Leavers Charter



### **Appendix 2:** Corporate Parenting Delivery Plan



CPB Delivery Plan  
015-16 DRAFT.docx

### **Appendix 3:** Corporate Parenting Board sub group terms of reference:

#### Placements



TOR Placements  
Steering Group.doc

#### Health & Wellbeing



Health of CYPiC  
Terms of Reference 2

#### Education, Employment & Lifelong Learning



EELL Terms of  
Reference 2015.docx

#### Participation



TOR Participation  
Steering Group.doc

### Appendix 3: Corporate Parenting Board terms of reference



CPB Terms of  
Reference.docx

<b>REPORT FOR INFORMATION</b>
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**Bury**  
COUNCIL

<b>Agenda Item</b>	
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<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>09 DECEMBER 2015</b>
<b>SUBJECT:</b>	<b>LOCAL SCHEME OF COUNCIL TAX SUPPORT</b>
<b>REPORT FROM:</b>	<b>DEPUTY LEADER OF THE COUNCIL AND CABINET MEMBER FOR FINFOR FINANCE  CABINET MEMBER FOR RESOURCE AND REGULATION</b>
<b>CONTACT OFFICER:</b>	<b>STEVE KENYON , INTERIM EXECUTIVE DIRECTOR OF RESOURCES AND REGULATION</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	The report is for publication.
<b>SUMMARY:</b>	The report provides Members with an up-date on the local Council Tax Support scheme and sets out recommendations to continue to deliver a local scheme within the available budget.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p>Council is asked to agree that the Scheme introduced with effect from 1st April 2013 is continued without change from 1st April 2016 to 31st March 2017.</p> <p>Council is also asked to approve that agreement of the specific legal wording of the local Regulations enacting the Council Tax Support Scheme set out in the report be delegated to the Executive Director of Resources and Regulation in consultation with the Leader of the Council, the Cabinet Member for Finance and Corporate Affairs and the leaders of the</p>

	two other political parties represented on the Council.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework?      Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	<p>The financial implications arising from the report are centred around the large cut in Government funding that accompanied the localisation of Council Tax support. The existing scheme was designed to address this gap while providing as much protection as possible for the most vulnerable claimants.</p> <p>The performance of the scheme is closely monitored and to date caseload and collection are within anticipated projections. However, given the fixed nature of the government grant to fund the scheme, the risk continues that increased take up or reductions to the income of existing claimants will have a direct impact on local authorities.</p> <p>It is strongly recommended that Members do not seek to absorb the loss of Government funding from within existing resources due to the parlous state of the Council's budget in future years.</p>
<b>Statement by Executive Director of Resources:</b>	In considering the nature of the local scheme, it is important to recognise that collecting increased, or any, Council Tax from people who previously had higher levels of Council Tax Benefit is both challenging and costly. However, the comment by the s151 Officer regarding the lack of available existing resources to cover the funding cut is fully supported.
<b>Equality/Diversity implications:</b>	A comprehensive Equality Impact Assessment on the 2013-2014 scheme was completed following consultation. Given that no changes to the scheme are proposed, this remains applicable.
<b>Considered by Monitoring Officer:</b>	The legal duties on the Council are set out in the report. The supporting legislation for local schemes has not been changed from the original Council Tax support scheme. There is no requirement to consult unless changes are

	made.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Overview and Scrutiny Committee

**TRACKING/PROCESS**

**DIRECTOR: Steve Kenyon**

Chief Executive/ Senior Leadership Team	Cabinet Member/Chair	Ward Members	Partners
No	Yes		
Scrutiny Committee	Committee	Council	
No		09/12/15	

**1.0 BACKGROUND**

1.1 The report outlines the background, current scheme, context of overall Welfare Reform and recommendations for delivering a local scheme of Council Tax Support with effect from April 2016.

**2.0 CHANGES TO THE SCHEME**

2.1 The current local scheme was introduced in Bury from April 2013. Prior to this, a national scheme was in place: Council Tax Benefit. This was administered by local authorities but prescribed in extensive detail by the Department for Work and Pensions. Council Tax Benefit paid the full liability for Council Tax for the poorest claimants. Local authorities were, to all intents and purposes, fully funded by DWP for their Council Tax benefit expenditure: local authorities therefore did not carry the risk of changing caseloads or changes in the level of deprivation.

2.2 The abolition of Council Tax Benefit and introduction of local schemes included the provision that the grant payable to Councils was set at 90% of the estimated spend on Council Tax Benefit in 2012-13. This meant that Councils had to address a 10% cut in the funding they received. Furthermore, the level of support was fixed for 7 years meaning that Councils will have to bear the risk of cost of increases and any increases in claimant numbers.

2.3 Before agreeing a scheme the Council had a duty to consult with major precepting authorities (Police and Fire) and such persons it considers to have an interest in the scheme.

2.4 The key issues the Council faced as a result of the introduction of local schemes were:

- Extremely tight timescales with the supporting legislation to allow the introduction of local schemes only receiving Royal Assent in December 2012.
- The funding to be provided for the new provision was cut by 10%.
- Council Tax collection from those households that received partial Council Tax Benefit was already more difficult than from those with incomes above the benefit threshold. This presented even more challenges to Council Tax collection.
- The Government's changes did not allow Councils complete freedom in the design of their schemes and it was stipulated that the elderly were to be protected. This provision remains and meant that as around 45% of Bury's benefit caseload were classed as elderly the cuts for working age claimants had to be higher. In Bury, protecting pensioner claimants means the percentage cuts for working age claimants was estimated to fall within the range of 15%-20%.
- The risk of changing caseloads was transferred to local authorities i.e. funding had to be determined in advance, not based on actual spend.

### **3.0 LOCALISED COUNCIL TAX SUPPORT**

3.1 The scheme which was established in Bury, following consultation, reflected the Council's priority in considering the needs of vulnerable people and aimed to mitigate the detrimental impact it would have on residents who would face increased Council Tax due to restrictions on the amount of Council Tax Support they would be entitled to.

3.2 In order to help meet the reduction in Government funding it was necessary for the local scheme to incorporate the following specific changes from the previous Council Tax Benefit scheme:

- Second Adult Rebate withdrawn
- Awards capped at Council Tax Band B
- Awards not paid where the weekly amount was less than £1
- Back-dated benefit abolished
- Non-dependent deductions increased by 20%
- Upper capital limits reduced to £8,000

3.3 The following provisions were also incorporated into the scheme:

- Various groups were defined as 'vulnerable' and therefore protected:
  - people in receipt of disability benefits
  - carers
  - lone parents with children under 5
  - war pensioners
  - the bereaved (for a period of 12 months)
- A new nil non-dependent deduction category for the low paid was introduced. This was to avoid the situation where a single person in receipt of a low level of wages finds it cheaper to move out of the family home because their non-dependent deductions are greater than their contributions to rent and Council Tax if they were to rent their own property. This particularly affected young people on apprenticeships.

- From April 2013, discretionary Housing Payments could no longer be used to support Council Tax and therefore a Discretionary Support Scheme to support vulnerable residents with extreme hardship and support the transition into work for low paid residents. This was funded via the discretionary Bury Support Fund established in April 13. This will continue in place for 2016-17.

3.4 The remaining shortfall was covered by withdrawing the local Council Tax Over-65s discount and by implementing Council Tax charges for empty properties and second homes.

### **4.0 COUNCIL TAX SUPPORT SCHEME 2016/2017**

4.1 The Council is required to review and amend its scheme annually.

4.2 In doing this it is necessary to consider a variety of factors:

- Performance of the scheme
- The level, and adequacy, of Government funding for 2016/17
- The Council's overall financial position
- Options for changing the scheme if required
- The outcome of previous consultation

4.3 To date the original 2013/14 scheme appears to be meeting its objectives although from a purely financial perspective this can vary and fluctuate throughout the year. However, take-up and Tax collection assumptions are being closely monitored and to date collection overall remains strong and in line with targets whilst caseload has actually decreased slightly.

4.4 Government funding for Year 4, 2016/17, remains the same as for Year 1 and reflects a 10% cut in the level of support provided in the last financial year of the national scheme i.e. 2012/13. As funding is fixed consideration has therefore to be given to whether further cuts to the existing scheme need to be made, taking account of how the scheme has performed in relation to that projected.

4.5 Given that claimant numbers and collection rates are assumed to be broadly in line with 2015/16 then the shortfall is in line with that assumed for the current year.

4.6 The Council could consider amending the scheme to make it more generous and reverse some of the detrimental changes made in Year 1 of the scheme. However, the Council is not in a position to fund any part of the shortfall from savings elsewhere in the budget due to the already considerable pressure on it. It is considered unrealistic to require a reduction in spend on services to residents in other areas of the Council to fund the gap. Furthermore, Members are reminded that the funding gap is on-going and it would not be prudent to fund this from reserves which would only provide one-off funding.

4.7 Furthermore, whilst caseload has decreased slightly it would be imprudent to rely on this trend continuing. Therefore it would be a risk to rely on this to make any positive changes to the scheme at this stage.

- 4.8 Finally, it is also worth noting that whilst there is a small discretionary Support Fund available to customers experiencing severe hardship few customers have presented themselves in extreme hardship due to the detrimental changes to the scheme.
- 4.9 It should be noted that the current scheme was the subject of widespread consultation and it is meeting its financial and social objectives. In comparison to other local authorities who adopted schemes including cuts across the whole caseload there has been relatively little negative feedback. For this reason, and given the acceptable current year performance, it is not recommended that the scheme should be tightened.
- 4.10 The above analysis suggests that there is confidence that the current scheme meets the needs of its residents while being financially sustainable. In addition the Council's overall financial situation means that there is currently no option to amend the scheme to make it more generous. It also remains somewhat precarious in terms of any change to caseload or collection rates could have a financially detrimental effect. As a result it is recommended that the 2015/16 scheme is carried forward into 2016/17 unchanged.

### **5.0 WELFARE REFORM CONTEXT AND AGENDA**

- 5.1 The changes to Council Tax Benefit/Support form part of a wider series of changes that make up the Government's welfare reform agenda and reform of local government finance. Bury Council have sought to alleviate the impact of Welfare Reform from this change and others by working with residents where possible.
- 5.2 The Welfare Reform Board oversees all partnership initiatives in relation to Welfare Reform. The Board includes representatives from Bury Council, Six Town Housing, Citizens Advice Bureau, Department for Work and Pensions and various landlord organisations.
- 5.3 A corporate debt strategy has recently been launched. This will see all staff employed by the council and six town housing being given an awareness of debt issues and information on how to identify customers in debt and where to signpost them. Briefings are currently being rolled out and are being targeted dependent on individual roles.

### **6.0 CONCLUSIONS**

- 6.1 The Council has to review the operation and content of its Council Tax Support scheme on an annual basis.
- 6.2 Given that the current performance of the existing scheme is in line with original projections, and in light of estimates claimant numbers, it is recommended that the existing scheme is retained with no alteration for the financial year 2016/17.
- 6.3 The performance of the scheme continues to be closely monitored and will be reviewed and amended as appropriate on an annual basis.

**COUNCILLOR RISHI SHORI  
DEPUTY LEADER OF THE COUNCIL AND CABINET MEMBER FOR FINANCE**

**COUNCILLOR SANDRA WALMSLEY  
CABINET MEMBER FOR RESOURCE AND REGULATION**

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**List of Background Papers:-**

None

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