

AGENDA



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| For a meeting of the |
| COUNCIL |
| to be held on |
| THURSDAY, 7 NOVEMBER 2013 |
| at |
| 2.00 PM |
| in the |
| COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ |
| Beverly Agass, Chief Executive |

Members of the Council are invited to attend the above meeting to consider the items of business listed below.

For those councillors who wish to attend, prayers will be held in the Council Chamber at 1:55pm before the commencement of the meeting. Please be seated by 1:50pm.

1. PUBLIC OPEN FORUM

The public open forum will commence at **2.00 p.m.** and the following formal business of the Council will commence at **2.30 p.m.** or whenever the public open forum ends, if earlier.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2013

(Enclosure)

5. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

Including a brief overview of the Stamford Georgian Festival. **(Enclosure)**

6. MEDIUM TERM FINANCIAL STRATEGY

Report number HOF256 of the Portfolio Holder for Strategic Resources – Well Run Council. **(Enclosure)**

7. GAMBLING - STATEMENT OF PRINCIPLES

Report number CSL043 of the Healthy Environment Portfolio Holder. **(Enclosure)**

8. ELECTORAL REVIEW: LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND DRAFT RECOMMENDATIONS

Report number LDS112 of Portfolio Holder for Governance and Communication. **(Enclosure)**

9. LEADER'S REPORT ON URGENT DECISIONS

Report number CAB017 by the Leader of the Council. **(Enclosure)**

10. UPDATE FROM CONSTITUTION COMMITTEE

Report number LDS110 by the Constitution Committee Chairman. **(Enclosure)**

11. QUESTIONS WITHOUT DISCUSSION

To note the list of questions asked under Council procedure rule 11.1 as circulated at the start of the meeting and their reference to the relevant Policy Development Group.

The deadline for notices of motion for the Council meeting on Thursday, 23 January 2014 is 2pm on Friday 10 January 2014.

MINUTES

COUNCIL

THURSDAY, 12 SEPTEMBER 2013

2.00 PM



PRESENT

Councillor David Nalson Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Jean Bevan
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Robert Broughton
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor George Chivers
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Phil Dilks
Councillor Breda Griffin
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan

Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Helen Powell
Councillor Nick Robins
Councillor Graddon Rowlands
Councillor Bob Russell
Councillor Bob Sampson
Councillor Bob Sandall
Councillor Susan Sandall
Councillor Trevor Scott
Councillor Ian Selby
Councillor Rob Shorrock
Councillor Mrs Judy Smith
Councillor John Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Rosemary H Woolley
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Directors (Tracey Blackwell,
Daren Turner)
Legal & Democratic Services Manager
(John Armstrong)

OFFICERS

Strategic Lead for Economic
Development and Regeneration (Corinne
Garbett)
Principal Democracy Officer (Jo Toomey)

27. PUBLIC OPEN FORUM

Question 1 – from Mr A. Baxter, to the Leader of the Council, Councillor Mrs Linda Neal:

“You are no doubt aware that Lincolnshire County Council is consulting on changes to library services across the County. I realise the town of Bourne is less directly affected by the changes because of the new library facility and community point opened in partnership with South Kesteven District Council back in March. However, I am sure you share the concerns of many South Kesteven residents about the proposed cuts to services. The Deepings would get a particularly rough deal from the proposals because we would become one of the largest areas of population in Lincolnshire without a properly staffed library. This will mean that for anyone in the Deepings without access to a car, a visit to the library will take half a day, and children, including my own, will effectively be excluded from accessing libraries completely.

“In light of this, will the South Kesteven District Council be joining other District Councils around Lincolnshire in responding to the consultation? And if so, will South Kesteven District Council be supporting the calls from thousands of residents in the south of the District that the Deepings Library should retain a tier 2 library with adequate resources and properly paid staff?”

Reply from Councillor Mrs Neal

“Thank you very much Mr Chairman. I’d like to thank Mr Baxter for his question and yes, certainly I am aware that the County Council is consulting on its proposed changes to the library service and I know that many people are concerned about what is suggested. I am sure that everyone is aware that this is not a district council service however I am also aware that this service is valued by many local people and I am sure the county council will want to listen to feedback before making a final decision. I understand the period of public consultation closes at the end of September and it is important that as many people as possible provide their views and ideas by completing the online questionnaire on the County Council’s website. The County will, I am sure, listen carefully to the views of the residents whilst at the same time weighing the very difficult financial position that they find themselves in and no doubt explore every avenue regarding possible future service delivery.”

Supplementary question from Mr Baxter

“In one of Margaret Thatcher’s autobiographies, she says that the civil servants came to her and asked to take away children’s milk to charge for museums, and to charge for libraries. She said that she knew from her time as a school girl in Grantham, the importance of libraries and for children to have access to libraries. I would first of all repeat the question: is SKDC going to respond to the consultation as a corporate body, but also is Margaret Thatcher’s words, that children should have access to publicly funded libraries, is it right or wrong?”

Reply from Councillor Mrs Neal

“Thank you very much Mr Chairman. On the first part because there were really two questions there I do believe, I’m not sure whether you’re going to accept two questions or not. The first question was will we be formally responding to the consultation the second question was did I believe children should have access to a library...I firmly believe therefore, Mr. Chairman that children and not only children but members of the community should have access to full library services and I don’t mind saying so but I personally have already responded to the consultation online”

On whether the Council would be submitting a response as a corporate body the Leader replied: “It’s not within my Portfolio and I haven’t had a conversation with the Portfolio Holder about it, so I don’t know.”

Several Councillors spoke in support of the Deepings Library campaign and suggested that the Council should respond to the consultation. The Chief Executive advised Members that this forum was only to answer any questions from members of the public and that the Council had its own processes through which any consultation responses could be produced.

Mr Baxter was thanked for his time.

The public open forum ended at 14:11.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Parkin, Jacky Smith, Ian Stokes, Wilkins and Wood.

29. DISCLOSURE OF INTERESTS

No interests were disclosed.

30. MINUTES OF THE MEETING HELD ON 11 JULY 2013

The minutes of the meeting held on Thursday 11 July 2013 were proposed, seconded and agreed as a correct record.

31. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman’s engagements.

32. STAMFORD GEORGIAN FESTIVAL

The Portfolio Holders for Leisure and Arts and Economic Development – Grow the Economy prefaced the presentation on the Stamford Georgian Festival with

brief speeches. Reference was made to the 'Mallard – Story of Speed' which was held in Grantham on 7-8 September 2013. The event attracted 15,000 visitors and increased footfall in the town centre. Mr Henry Cleary, Carillion and Lincolnshire County Council were thanked for their roles in bringing the Mallard to Grantham.

The Portfolio Holders also spoke about the cultural and economic benefits of holding festivals like the Georgian Festival and the Gravity Fields Festival. They said such events encouraged people's use of the districts towns while promoting civic pride in the area and its heritage.

The Strategic Lead for Economic Development and Regeneration gave a presentation on the Georgian Festival, which was taking place in Stamford between Friday 27 and Sunday 29 September 2013. The festival was designed to promote the local economy and heritage of the area through a high quality event that celebrated the character of the town and build the reputation of the district nationally.

The festival programme covered several different platforms with activities and events based around families, heritage, education and performance. Highlights of the festival included high-profile speakers, music recitals, drama pieces, a specially produced Horrible Histories show, a period cricket match, a street-fayre and a re-enactment of the Stamford Bull Run. Events would take place in a range of venues across Stamford including public buildings, open spaces, churches and other historical and performance venues in the town.

Local businesses and community groups were being encouraged to participate. They had provided venues and put on special events that coincided with the festival. Partners for the event included Stamford Town Council, New College, Rutland and Stamford Mercury, Burghley, Royal Horticultural Society, Horrible Histories, Shade-makers and the Bath Minuet Company. The team had been particularly pleased with the level of support and input from partners.

To complement the festival, education packs for primary school children had been produced and were available online. There would also be traditional fairground rides and street entertainment.

A wide range of promotional activities were taking place using social media, broadcast and print media, street banners and signage and a market stall. Promotional activities were supported by a number of different bodies including Stamford Town Council, Lincolnshire County Council and Rutland County Council.

Members were informed that 1,730 additional parking spaces were being provided (Burghley, Cummins and New College). These would be free for visitors but they would have to walk into the town centre.

There were a number of outcomes that would be used to demonstrate the

festival's level of success:

- Increased footfall over the festival weekend
- Raised visitor spend in local businesses
- Increased return visits to the area
- A higher number of overnight stays
- Wide national and local media coverage
- Support from partners through funding or in-kind support
- Strong community engagement

Before the topic was opened for questions, the Chief Executive reminded Members of the contribution such festivals made to the Council's priorities. She said they were a good tool for maintaining existing businesses and attracting new businesses to the district, which in turn impacted on employment and quality of life.

A number of Members articulated their support for the festival and congratulated the team on the programme. Members were pleased with the buy-in from partners together with the support of the local community. Some concern was expressed about how long-term outcomes could be measured.

Some Councillors particularly advocated the engagement with local schools and colleges. They highlighted the value of inspiring children and teaching them about their local heritage. It was suggested that an additional measure could be added to evaluate how the festival affected children's understanding of the history of their own community.

It was hoped that the festival would be biannual. Comparison was made to Gravity Fields Festival where the success of the 2012 event had led to increased interest and support for 2014.

In response to a question on the accessibility of events and car parking for people with mobility problems, officers explained that car parking arrangements were being publicised. Literature included the location of car parks and how long it would take visitors to get to the town centre. Event information also clearly highlighted those venues where accessibility might be a problem for some visitors.

Brief mention was made of a festival planned for 2014 by residents in the Deepings that would commemorate the start of the First World War. The Councillor who highlighted the festival hoped Members would support it.

Several Councillors also offered their congratulations on the success of the Mallard festival.

The Chairman thanked the Strategic Lead for Economic Development and Regeneration for her presentation and wished the team every success with the festival.

33. LEADER'S REPORT ON URGENT DECISIONS

The Leader of the Council's report CAB016, which listed one key decision and four non-key decisions that were taken under special urgency arrangements, was noted. Several members asked for further information, which they were informed could be provided outside the meeting.

There was also some discussion on arrangements within the Constitution on the frequency of reports on decisions taken under special urgency arrangements. The Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 stated that the Leader should make quarterly reports on any decisions taken under urgency provisions. It also stated that the Leader should make at least one report each year (this would be where no urgent decisions had been taken).

34. SCRUTINY COMMITTEE ANNUAL REPORT 2012/13

The Chairman of the Scrutiny Committee presented the Scrutiny Committee annual report for 2012/13 to the Council for noting and summarised the varied work programme undertaken by the Committee

The Chairman thanked the Committee's members for their efforts, together with those people who had attended meetings and given evidence. He also thanked the Vice-Chairman and the officers who supported the Committee.

On a personal note, the chairman of the Scrutiny Committee thanked members of the Council for their support and good wishes through a difficult time.

In discussing the Committee's report, reference was made to the meeting at which the Committee considered provision at Grantham hospital. Two members expressed opposing views on the current outlook for Grantham hospital. A question was also asked about what the Committee learned of proposals for Stamford hospital.

One Member commented on how the Committee's operation had improved and developed and suggested that to work most effectively, an independent scrutiny officer was needed. Two items were suggested for future consideration by the Committee: the impact of the spare room subsidy and static and mobile library provision.

Council noted the report.

35. QUESTIONS WITHOUT DISCUSSION

One question without discussion had been received and referred to the relevant Policy Development Group for a response.

Question 1

To: Councillor Teri Bryant (Good Housing Portfolio Holder)

From: Councillor Charmaine Morgan

During South Kesteven District Council's AGM 2013 Councillors were assured that those residents affected by Bedroom Tax would be able to claim support through Discretionary Housing Payments for rent arrears protection and assistance moving home.

Councillors were advised during the debate that a 'scaleable' fund had been set aside to support residents affected.

In view of this can the following figures be provided by officers:-

- *How many SKDC residents are affected by the Bedroom Tax?*
- *How many applicants have claimed assistance to date with rent arrears protection?*
- *How many applicants have claimed assistance to date with moving costs?*
- *How many applicants have received 100% of their claim?*
- *How many applicants have been rejected for assistance?*
- *How many residents have requested house transfers/exchange as a result of the Bedroom Tax?*
- *How many residents have been successful at moving home as a result of the Bedroom Tax - upsizing and downsizing?*
- *How many residents have moved from SKDC tenancy into private/insecure tenancy as a result of the Bedroom Tax?*
- *How much money has to date been spent on supporting residents affected by the Bedroom Tax with:*
 - a. Moving Costs*
 - b. Rent arrears prevention*

This question was referred to the Resources PDG. The Chairman informed Members that Councillor Morgan had been supplied with an answer to her question.

36. CLOSE OF MEETING

The meeting was closed at 15:31.

Agenda Item 5

Chairman's Engagements

13 September 2013 to 7 November 2013

| Date | Ref | Organisation and Event | Location | Chauf |
|----------------------------|------------|---|--|--------------|
| 13.09.13 | DN62 | The Mayor of Rusden– Annual Civic Opening of the Rushden Feast | Spencer Park, Rushden | ✓ |
| 15.09.13 | DN38 | The Mayor of Stamford – Battle of Britain Service and Parade | The Methodist Church, Stamford | |
| 16.09.13 | DN54 | The Town Mayor and Mayoress of Newark - Charity Quiz Night | Town Hall, Newark, | |
| 20.09.13 | DN55 | Grantham Town Mayor's Charity Quiz Night with Supper | Grantham College Refectory | |
| 21.09.13 | DN56 | Her Majesty's Lord Lieutenant for Lincolnshire and members of the Lincolnshire Committee of the ABF The Soldiers' Charity – A Concert by the regimental Band of the Coldstream Guards | Lincoln Cathedral | ✓ |
| 22.09.13 | | Chairman's Civic Service | All Saints Church, Stamford & Stamford Arts Centre | |
| 27.09.13 to 29.09.13 | DN77 | Georgian Festival Opening/Closing Events | Stamford | |
| 28.09.13 | DN58 | The Town Mayor & Mayoress of Stamford– Last Night of the Proms | The Corn Exchange Theatre, Stamford | |
| 29.09.13 | DN57 | The Chairman of West Lindsey District Council – Civic Service | All Saints Parish Church, Gainsborough | ✓ |
| 01.10.13 | DN47 | Mayor of Peterborough City Council– "Opening of Bridge Fair and Annual Sausage Supper" | Town Hall, Peterborough | |
| 04.10.13 | DN64 | The National Trust – Invitation to the Official Opening of the Old School Village Hall, Belton Village | Old School Village Hall Belton Village | |
| 04.10.13 | DN76 | The Official Opening of Heydour Parish Village Hall | Aisby, Grantham | |
| 05.10.13 | DN59 | The Chairman of East-Northamptonshire Council – "Brass for the Bells – Boobs & Brass Concert" | St Mary's Church Higham Ferrers | ✓ |
| 13.10.13 | DN32 | Mayor Rushden Town Council – Civic Service | St. Mary's Church, Rushden | ✓ |
| 13.10.13 | RH8 | The Chairman and Members of the Lincolnshire County Priory Group – invitation to "St. John County Service" | Bourne Abbey | |
| 18.10.13 | DN63 | Mayor and Mayoress of Bourne Town Council – Bourne Civic Dinner | South Kesteven Community Point, Bourne | |
| 20.10.13 | DN61 | Grantham Lions Club – Annual Variety Concert | Walton Girls High School, Grantham | |
| 21.10.13 | DN83 | Visit by Chairman and Mayor of Stamford to Mrs Popple – 100 th Birthday Celebrations | Stamford | |
| 25.10.13 | DN78 | Chairman of North Kesteven District Council – "An Evening in Bavaria" | NKDC Offices, Sleaford | ✓ |
| 26.10.13 | DN60 | Disbandment of the 168 th Pioneer Regiment – The Royal Logistic Corps, Prince William of Gloucester Barracks, Grantham | Prince William of Gloucester Barracks & St. Wulframs Church Grantham | |
| 01.11.13 | DN65 | They Mayor and Mayoress of Stamford – "Ghost Walk" | Stamford Town Hall, Stamford | |
| 03.11.13 | DN74 | Market Deeping Town Council 2013 Remembrance Observation – The Opening of the Garden of Remembrance and Peace | Riverside Park Market Deeping | |

REPORT TO COUNCIL

REPORT OF: CLLR M TAYLOR: STRATEGIC RESOURCES-WELL RUN COUNCIL PORTFOLIO HOLDER

REPORT NO: HOF256

DATE: 7 November 2013

| | | |
|---|--|----------------------------------|
| TITLE: | Medium Term Financial Strategy 2013/14 – 2017/18 | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Policy Framework Proposal | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Mike Taylor - Strategic Resources - Well Run Council Portfolio Holder | |
| CONTACT OFFICER: | Daren Turner – Strategic Director 01476 406301 Email: d.turner@southkesteven.gov.uk Richard Wyles – Head of Finance 01476 406210 Email: r.wyles@southkesteven.gov.uk | |
| INITIAL IMPACT ASSESSMENT: | Carried out and Referred to in paragraph (7) below: | Full impact assessment Required: |
| Equality and Diversity | N/A | |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | | |

1. RECOMMENDATION

1.1 It is recommended that:

- Council approve the Medium Term Financial Strategy for the period 2013/14 – 2017/18.

2. PURPOSE OF THE REPORT

2.1 To seek Council approval of the Medium Term Financial Strategy covering the 5 year period 2013/14 – 2017/18.

3. DETAILS OF REPORT

3.1 The Medium Term Financial Strategy (MTFS) sets out the Council's strategic approach to the management of its finances and presents indicative budgets and Council tax levels for the medium term. The scope of the MTFS includes the General Fund Revenue Account and the Capital Programme over the five year period. It also highlights the significant financial risks facing the Council in the forthcoming years and explains what the Council is doing to reduce those risks and ensure all the plans are robust, realistic, achievable, deliverable and fully funded.

3.2 The format of the MTFS provides contextual information with respect to the financial climate from a global, national and local perspective. It then provides detail of the key funding sources that are available to the Council specifically Government funding, Council Tax and fees and charges.

3.3 The Council is moving towards priority (rather than service based) budgeting providing specific focus on ensuring sufficient resources are directed at the delivery of priority outcomes. The MTFS also recognises the pressures the Council will face in the coming years and translates rising expenditure and reducing resources into forecasted deficits in the medium term.

3.4 In order to ensure a sustainable balanced financial platform a number of principles are proposed that the Council will incorporate into its medium term financial planning in order to deliver sustainable budgets and support the delivery of the stated priorities in accordance with the Corporate Plan Vision 2021.

3.5 In summary the principles are focussed on:

- Future setting of Council Tax levels
- Use of Government grants

- Cyclical review of Fees and Charges
- Use of specific funding streams to fund priority projects and services
- Localised Business Rates and pooling arrangements
- Delivery of the Efficiencies and Transformation Plan
- Delivery of the Treasury Management, Capital Framework and asset review

3.6 The MTFS also outlines the Capital Programme spending proposals for the five year period by priority theme and shows how the Council's resources will be used to fund the programme. Careful resource planning will need to be undertaken on an annual basis to optimise the most financially advantageous position. In the short to medium term it is not anticipated that the Council will require external borrowing to fund the Programme but this position may change should borrowing become a cheaper funding source than utilising existing resources.

3.8 The Council has agreed to join the Lincolnshire business rates pooling for 2014/15 which will enable the financial benefits of local business rate growth to be retained in the district to support the delivery of the Council priorities.

3.7 The formation of the MTFS has been carefully considered by Resources PDG as part of their annual work programme and Cabinet considered the MTFS at their meeting on 7th October 2013 and recommended it's approval by Council.

4. OTHER OPTIONS CONSIDERED

4.1 None applicable

5. RESOURCE IMPLICATIONS

5.1 None applicable

6. RISK AND MITIGATION

6.1 None applicable

7. ISSUES ARISING FROM EQUALITY IMPACT ANALYSIS

7.1 None applicable

8. CRIME AND DISORDER IMPLICATIONS

8.1 None applicable

9. COMMENTS OF FINANCIAL SERVICES

9.1 Comments are included in the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 As this strategy is part of the Council's Budget and Policy Framework, it is essential it is regularly reviewed to ensure it remains fit for purpose.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 None applicable

12. APPENDICES

12.1 Medium Term Financial Strategy 2013/14 – 2017/18



Medium Term Financial Strategy

2013/14 – 2017/18



your council working for you

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1.0 Introduction

The Medium Term Financial Strategy (MTFS) sets out the Council's strategic approach to the management of its finances in order to deliver its stated priorities laid out in the Council's Corporate Plan. It presents indicative budget levels which include assumptions around Council Tax and Government grant over the medium term. The scope of the MTFS includes the General Fund Revenue Account and the Capital Programme over the five year period. It also highlights the significant financial risks facing the Council in the forthcoming years and explains what the Council is doing to reduce those risks and ensure all its plans are robust, realistic, achievable, deliverable and fully funded.

2.0 Benefits

The MTFS assists in:

- Meeting the priorities of the Council and delivering the Vision of 2021 by aligning resources.
- Improving financial planning and the financial management of the Council's revenue and capital resources
- Maximising the use of resources available to the Council, both internal and external
- Ensuring that the Council provides value for money and delivers budget savings
- Allowing the development of longer term budgets and strategic planning
- Reviewing the Council's reserves policy to ensure that the priorities are adequately resourced and there is financial protection against unforeseen events
- Responding to financial pressures and protecting front line services

3.0 Objectives

The main objectives of the MTFS are to:

- explain the financial context within which the Council is set to work over the medium term
- identify the financial resources needed to deliver the Council's priority outcomes
- achieve a stable and sustainable budget capable of withstanding financial pressures.
- Provide a cornerstone for the overall Budget and Policy Framework within the Council
- Establish a clear set of principles which underpin the medium term financial planning of the Authority

The Medium Term Financial Plan (MTFP) is being developed for each of the main financial areas taking account of the specific financial issues around spending and income pressures and the need to deliver a sustainable budget over the medium term. This will be presented as part of the budget proposals in March 2014.

4.0 Context – Global Financial Crisis, National and Local Economic Factors

4.1 Global Financial Crisis

The financial crisis of 2007–2008, also known as the ‘global financial crisis’, is considered by many economists to be the worst financial crisis since the Great Depression of the 1930s. It resulted in the threat of total collapse of large financial institutions, the bailout of banks by national governments, and downturns in stock markets around the world. In many areas, the housing market also suffered, resulting in evictions, foreclosures and prolonged unemployment. The crisis played a significant role in the failure of key businesses, declines in consumer wealth estimated in trillions of US dollars, and a downturn in economic activity leading to the 2008–2012 global recession and contributing to the European sovereign-debt crisis.

4.2 National Context

4.2.1 The Financial Crisis continues to bite in Europe and the Austerity measures in the UK continue to be enforced. The Government's economic plan to recovery has 3 main parts which is to keep mortgage rates low, fixing the banks to support business investment and tackle the country's debt position. The recent spending review reconfirmed the Government's approach to reduce the deficit by taking difficult decisions to cut public spending in order to prioritise investment in infrastructure. In order to achieve the Government's plans the latest budget in March 2013 announced a further 1% real cash reduction to most Government departments on top of the previous savings targets already announced as they have identified a further £11.5bn is needed.

4.2.2 UK Growth continues to be an issue with it not expanding as quickly as was anticipated. Various measures in the March 2013 budget to help stimulate the housing market and more national infrastructure projects have been announced. However, consumer spending remains subdued with some major high street chains going into liquidation. Interest rates continue at an historic low and this impacts on the investment returns received by the Council.

4.2.3 Inflation continues to be a concern with Consumer Price Index (CPI) projections being increased by the Office for Budgetary Responsibility (OBR) due to the likely higher costs of oil and imports in the future and the environmental and network costs being incurred by energy suppliers. It is projected to fall back in the medium term. The Council has to assess the likely inflationary pressures it will incur in the future for items such as pay, energy and fuel, ICT contracts, and general price increases for contracts, goods and services.

4.2.4 Public Sector Finances will continue to be squeezed in the medium term and whilst indicative grant allocations have been given for 2014/15 recent announcements in the June 2013 Spending Review have had a further detrimental impact on the provisional allocations. Consultation is currently underway on the Local Government Finance Settlement for 2014/15 and 2015/16 with a further 2.3% reduction in overall local government spending for 2015/16 and a 10% reduction in Local Government

Departmental Expenditure Limit. Running parallel with this is a consultation on proposals to allocate a proportion of allocated New Homes Bonus (NHB) to fund a pool within the Local Enterprise Partnership. There are a number of proposed mechanisms that can be introduced to shift this resource ranging from upper tier authorities contributing all of their allocated New Homes Bonus to an equal percentage model shared between upper and lower tier authorities (suggested 35.09%). The outcome of the consultation is awaited in order to determine the financial implication of the funding change.

5.0 Local Government Funding

Local Government funding has gone through a significant period of change in the last couple of years with the following significant changes:

- **New Homes Bonus (NHB)** – an initiative which rewards Councils for increasing their utilised housing supply as recognised in the tax base of the Council. It is worth noting that this is not income available for councils but is funding that has been sourced from existing revenue support grant budgets. For each dwelling increase an amount equal to the national average Council Tax due per band D property is paid for a period of 6 years. An additional payment of £350 per each additional social housing unit is also paid. With effect from April 2014 it is possible that a proportion of 35% of NHB generated will be passed over to Local Enterprise Partnerships who will control its distribution.
- **Business Rates** – this core grant (formerly part of ‘formula grant’) has been replaced with the part localisation of Business Rates which took place for 2013/14 onwards. This retains a proportion of the Business Rates at a ‘local’ level rather than the full amount being paid over to Central Government and then a proportionate amount was passed back through the Formula Grant. This is intended to reward Councils for the business growth in their areas. The Council can opt to ‘pool’ with other Councils to share/retain any additional growth ‘locally’ however this also has risks attached and therefore for 2013/14 this option hasn’t been taken by this Council. 50% of Business Rates generated is passed straight to the Treasury, 20% is passed to upper tier authorities (Lincolnshire CC). The Council is subject to a “levy” on any BR raised above its local collection threshold, this can be up to 50% of the extra revenue generated.
- **Revenue Support Grant (RSG)** – this core grant (formerly part of ‘formula grant’) used to be a key part of the Council’s resource base. However, this is the main area the austerity measures have impacted upon with significant reductions in 2013/14. The recent Budget announcements have introduced further reduction in the level of RSG in 2014/15 and 2015/16 as the Government uses the allocations to fund other areas such as funding the Business Rate safety net and meeting the recently announced reduced Government Department spending levels. In overall terms the RSG has been reduced by 24.2% between 2014/15 and 2015/16. It is anticipated that reductions of RSG will continue in the medium term as the Government continues its objectives of reducing the national deficit.

- Specific Government Grants – whilst some specific grants are still received the bulk of them have been amalgamated into the central government funding allocations. It is likely that this trend of incorporating them into the central ‘pot’ will continue in the future with Small Business Rate Relief being funded within overall Business Rates from 2014/15 onwards. Some grants are up to 2014/15 only.
- Council Tax – Council Tax is set locally by the County Council, Police and Crime Commissioner, District Council (SKDC) and Town/Parish Councils. The Council determines the level of its share of the Council Tax when it considers and sets its budget in February/March each year. However, Council Tax is now under close scrutiny by the Government and various initiatives are now in place to restrict future Council Tax increases.

There are three main elements to Council Tax:

- Council Tax Base (i.e. the number of properties which can be charged) - this is calculated annually and basically takes each household and multiplies it by its Council Tax Band (A to H), plus/minus amounts for discounts, exemptions, etc, to arrive at a Band D equivalent number of chargeable dwellings. If the overall tax base reduces the amount of Council Tax generated will also reduce therefore it is important that the tax base is maintained – and ideally increased – year on year.
 - Collection Rate – the amount actually collected compared to the amount due. Any reduction in collection rates will reduce the amount of Council Tax generated.
 - Council Tax charge (set by bands). Multiplying the tax base by the Council Tax charge gives the total amount that can be generated from Council Tax (after allowing for bad debts, non payment, change in circumstances, etc).
- Council Tax Technical Changes - recent technical changes have seen the tax base increase as some reductions and discounts were amended. These changes have been introduced in order to meet the funding shortfall in the funding grant received from Government in order to fund the local Council Tax support scheme and to change behaviour with respect to specific exemptions, specifically empty homes premium of 150% payable Council Tax.
 - Council Tax Referendum – The former capping regime has been replaced with a referendum mechanism where there are ‘excessive’ Council Tax increases proposed. Each year the Government will determine the rate of increase above which increases are deemed to be ‘excessive’. This was set at 3.5% for 2012/13 and 2% for 2013/14 although up to a £5 increase was allowed for lower quartile Council Tax level authorities (this Council took this option for 2013/14). This ‘excessive’ mechanism can apply to all tiers of Local Government including Town and Parish Councils.

- Council Tax Freeze – The Government made a commitment to support Councils to freeze their Council taxes in 2011/12, 2012/13 and 2013/14. This comprised of the payment of an un-ringfenced grant – the amount of which has varied and also the period it is payable for. For example, the 2011/12 was a payment equal to a 2.5% increase and was payable for 3 years. The 2013/14 was a payment equal to 1.0% and was payable for two years only. In the spending review announcements in June 2013 the Government has announced further available Council Tax freeze grant of 1% for both 2014/15 and 2015/16 and a referendum threshold of no more than 2%.
- Council Tax Support – previously Council Tax benefit was fully funded by the Government via a grant subsidy methodology. From 2013/14 Councils have had to develop and approve their own schemes for the amount of Council Tax Support that it is to provide in the future within the context of not impacting on pensioners and delivering a 10% overall reduction in costs had to be achieved. This is no longer paid as a ‘benefit’ but is instead shown as ‘reduction’ on the Council Tax bill. The introduction of a maximum eligibility threshold of 80% has resulted in more residents paying a proportion of their Council Tax bills than previously.
- Fees & Charges – fees and charges form an important part of both the General Fund budget in terms of fees paid by users netting down the budget requirement. The current economic difficulties has impacted on some income streams especially in Planning related services and therefore prudent estimates of future income generation from fees and charges must be adhered to. Also, the market will only take certain level of fees and therefore the optimum level of fee level versus market resistance needs to be achieved. The approved Fees and Charges Strategy sets out the Council’s approach to fee setting and forms part of Principle 3 referred to later in the MTFS.

6.0 Local Context

District Councils have a duty to provide a range of services for the local community and visitors to the area. This means that many of South Kesteven’s services are governed by statute and are classed as ‘mandatory’ – it has to be delivered. However, the level and method of delivery is decided locally.

Additionally, each local area will have its own needs and priorities. Therefore as well as the statutory services a range of ‘discretionary’ services are also delivered. For either category of spend there has to be a legal power to undertake the service.

The current priorities are set out in the Council’s Corporate Plan and are:

‘Creating the Environment to’ :-

- Grow the Economy.
- Keep SK Clean, Green and Healthy.
- Promote Leisure, Arts & Culture.
- Support Good Housing for All.

Underpinned by 'Well Run Council'

Sitting alongside the Corporate Plan are a number of other strategies (such as People Strategy, Customer Services Strategy, ICT Strategy) and detailed service plans. The Medium Term Financial Strategy and the Annual Budget Report provides a key link of all the financial implications of these plans and strategies to ensure they are robust, sustainable and affordable.

6.1 Priority based budgeting

6.1.1 Priority Focus - The service priorities are derived from the overarching Corporate Priorities. Not all services may directly link to the Corporate Priorities – however they may still be essential as they are providing statutory services or essential support functions. The focus of the budget setting process will be driven by priority based budgeting whereby resources will be allocated based on clear priority outcomes. This is a shift of emphasis from the more traditional service led budgeting where resource allocation can be out of alignment with the priorities of the Council.

6.2 Service Pressures

6.2.1 Pressures - Of course the base budget does not stand still. The cost of services may increase (or decrease) by factors external to the Council such as:

- **Inflation** – like any other household or business the Council is impacted by inflationary pressures. This can be from pay awards (these have been frozen in recent years but are likely to increase from 2013/14 onwards – 1% has been assumed), energy costs, fuel costs, contractual price increases, etc.
- **Legislation changes** – changes in legislation or case law may require service delivery changes, reviews of fees and charges, new services to be delivered, etc.
- **User demand** – the growth in user demand may lead to increased costs – often with 'stepped costs' incurred. So for example additional housing may be accommodated by the refuse fleet, but at a point an additional round/vehicle/staff may be required to meet the additional demand.
- **Income** – user demand can also impact on income levels. Whilst fees and charges are reviewed annually the net income achieved may be reducing due to lower user demand. Since the economic downturn, particularly in the housing market, reductions have been noticeable in planning related activities, land charges and car parking.

6.2.2 Expenditure

Expenditure estimates have been increased where appropriate based upon the inflation factors and have been extrapolated for the next 4 years. Income estimates have also been increased where appropriate to reflect likely increases in fees and charges, usage, etc. All other income and expenditure remains as per the 2013/14 approved budget (i.e.

no change).

The table below sets out the summarised position based upon the ‘likely’ assumptions.

| GENERAL FUND ‘Likely’ | 2013/14 Original £000’s | 2014/15 Indicative £000’s | 2015/16 Indicative £000’s | 2016/17 Indicative £000’s | 2017/18 indicative £’000s |
|---|-------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Net Cost of Services | 15,619 | 15,302 | 15,556 | 15,868 | 16,183 |
| Interest, fund movements, CTS Grant, etc. | (1,551) | (1,980) | (1,614) | (2,127) | (2,037) |
| Budget Requirement | 14,068 | 13,322 | 13,942 | 13,741 | 14,146 |

| Funded by: | 2013/14 £000’s | 2014/15 £000’s | 2015/16 £000’s | 2016/17 £000’s | 2017/18 £000’s |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Retained Business Rates | 2,665 | 3,200 | 3,286 | 3,388 | 3,503 |
| Revenue Support Grant | 4,845 | 3,629 | 2,581 | 1,838 | 1,214 |
| Safety Net Payment | 300 | - | - | - | - |
| Small Business Rate Relief Grant | 108 | TBA | - | - | - |
| Sub total | 7,918 | 6,829 | 5,867 | 5,226 | 4,717 |
| Council Tax (inc SEA) | 6,113 | 6,279 | 6,469 | 6,664 | 6,866 |
| Collection Fund Surplus | 37 | - | - | - | - |
| Total | 14,068 | 13,108 | 12,336 | 11,980 | 11,583 |

6.2.3 Resources v. Expenditure

The table below shows the overall budget position using the most likely scenario for resources and expenditure. For 2015/16, 2016/17 and 2017/08 deficits of £1.606m, £1.761m and £2.563m are forecast, as resources are forecast to reduce at a faster rate than expenditure. This can attributed to the reductions in the RSG and no forecast usage of NHB monies to fund the General Fund expenditure.

| Likely scenario | 2013/14 £000 | 2014/15 £000 | 2015/16 £000 | 2016/17 £000 | 2017/18 £000’s |
|-----------------------------------|-----------------|-----------------|-----------------|-----------------|-------------------|
| Budget Requirement | 14,068 | 13,322 | 13,942 | 13,741 | 14,146 |
| Resources | 14,068 | 13,108 | 12,336 | 11,980 | 11,583 |
| Budget surplus / (deficit) | 0 | (214) | (1,606) | (1,761) | (2,563) |

The table above represents the likely scenario. However, through only small changes to the assumptions made in preparing this “likely” forecast, the overall budget position will change. Therefore, it is also important to consider the “best” and “worst” scenarios; the table below provide a summary of the three scenarios.

| Scenarios | 2013/14 £000 | 2014/15 £000 | 2015/16 £000 | 2016/17 £000 | 2017/18 £000's |
|-----------|-----------------|-----------------|-----------------|-----------------|-------------------|
| Best | 0 | 199 | (1,202) | (1,292) | (2,040) |
| Likely | 0 | (214) | (1,606) | (1,761) | (2,563) |
| Worst | 0 | (489) | (2,077) | (2,355) | (3,273) |

It is important to note that the figures below do not include factors such as the impact of localising support for council tax (on the council tax collection rate), the loss of specific grant funding and other budget pressure. It is probable these factors will reduce resource and increase expenditure for each of the three scenarios above. Further work will be undertaken on each of these factors in order to quantify their impact, in order to include them within the scenarios.

The forecast confirms that from 2015/16 onwards a budget gap begins to emerge as the Government grant reductions continue. This gap could be further widened following a combination of future Government grant reduction announcements and emerging budgetary pressures not currently identified. Other budgetary pressures will emerge as there are a number of variables and assumptions included in the 'net cost of services' line shown in the table. Therefore it is imperative that in-year forecasting continues to be undertaken to ensure the Council carries out the delivery of its priorities and that resources are fully utilised.

7.0 Funding options – Establishing the Principles

7.1 Addressing the Budget Gap – Establishing the Principles

The MTFs seeks to introduce a number of key principles which will be adopted when undertaking the cyclical budgetary process which will allow medium term financial planning to be undertaken. These principles will be implemented to address the budget gap as it increases over the medium term. These are set out as follows:

Council Tax levels

The Authority locally can set its annual Council tax level and the Government sets out its guidance on appropriate levels of increase. Any increase that exceeds the Government suggested level will require the Council to hold a referendum with its residents with the Council having to bear the costs of holding such a referendum. Since 2011/12 the Government has offered a Council Tax freeze grant to those authorities who maintain their council tax at the previous year's level. This freeze grant can vary but is typically equivalent of 1% of the Council Tax amount.

7.1.1 Principle 1 - Council Tax levels shall be set each financial year having regard to the prevailing conditions at that time. Specifically the factors that will be considered will be inflation levels, community aspirations and Government guidance on referendum levels including any available Council Tax freeze grant.

Government grants

With effect from April 2014 all specific grants will be incorporated into the combined revenue support grant (RSG) and therefore the Council will no longer have visibility of the amounts of the specific grants. Whilst this enables the Council to allocate grants where it chooses, the RSG will face cuts over the medium term which will then impact on all grants.

7.1.2 Principle 2 – Resources and un-ring fenced grants will be allocated to fund the delivery of the priority outcomes that residents have said are important to them.

Fees and Charges

The income from fees and charges is an important income stream to the Authority and fee setting should be carried out in accordance with the policies set out in the fees and charges framework. Where possible, income should be set at a level that meets the operational costs of providing the service which will result in fees and charges increasing in line with the costs of providing the service. However it is recognised that fees and charges play a wider objective that purely income generation in that they can be used to promote certain activities that support the Council priorities. Furthermore they can be used to encourage particular participation where excessive charging may be a barrier to entry.

7.1.3 Principle 3 – all fees and charges should be reviewed annually and inflationary increases should be introduced having regard to the service contribution towards delivery of the priorities and the market conditions prevailing at that time.

New Homes Bonus

NHB is now a key income stream for the Council and over £2M is expected to be received in 2013/14. This was funding previously allocated as part of the Revenue Support Grant. The Council is financially rewarded for each additional property it adds to its Council Tax base and a further £350 for each additional affordable housing property. The scheme will pay the equivalent of 6 years worth of average Council tax with 80% of this amount being paid to the district council. However, there are some doubts over the longevity of the scheme as Departmental budget controls are increased by Government (although there is no evidence to support this view at the present time). Based on this concern there is a view that the NHB income should not be used to support the General Fund budgets but rather be more targeted with respect to its use.

7.1.4 Principle 4 – the monies received from New Homes Bonus should be used to fund the delivery of Council priority projects and initiatives.

Localised Business Rates

This element of funding has been replaced with the part localisation of Business Rates which took place for 2013/14 onwards. This retains a proportion of the Business Rates at a 'local' level rather than the full amount being paid over to Central Government and then a proportionate amount was passed back through the Formula Grant. This is intended to reward Councils for the business growth in their areas. The Council can opt to 'pool' with other Councils to share/retain any additional growth 'locally' however this also has risks attached as any losses will need to be shared amongst the pool in the same manner.

7.1.5 Principle 5 – Undertake a review of pooling arrangements and ensure that pooling remains beneficial to the Council.

Efficiencies and Business Transformation Plan

Services need to continue to drive through efficiencies and continually review their working practices and operations to try to make them as efficient as possible. This can be achieved by staff/user suggestions, service reviews, transformation programmes, reviewing vacant posts, identifying budget underspends, benchmarking/comparison, learning from best practice, etc. More strategic approaches to service delivery can also be considered in terms of outsourcing, bringing services back in-house, working with partners, voluntary sector, etc. A Plan has been developed that provides a detailed analysis of all the transformation projects including the targeted savings total for each project.

7.1.6 Principle 6 – Review and update on an annual basis the Efficiencies and Business Transformation Plan and monitor achieved savings.

Treasury Management and Capital Framework

Treasury Management is a key component of any business and especially the impact of interest rates. During the global crisis interest rates have been at historically low rates with the Bank of England base rate being at 0.5% since March 2009. This has had a significant impact on investment returns generated from the investment of cash flows, funds and reserves held by the Council. On the positive side, it has meant borrowing costs are now reduced and therefore when compiling the Capital Framework, due regard to financing arrangements need to be considered.

The Capital Framework sets out the approach to the Councils capital spending plans and how it will resource these in the coming years. Any Capital Project agreed must be explicit about the revenue consequences both in terms of operational costs and the initial funding costs, whether this is loss of investment interest or servicing borrowing costs. Future capital resources need to take account of Asset Management Plans for both expenditure requirements to keep assets fit for purpose as well as likely asset sales generating future capital receipts to be reinvested.

7.1.7 Principle 7 – Regularly review and monitor the Treasury Management and Capital Framework with particular focus on the opportunities for borrowing compared with the cost of holding the debt. Regularly review the Council's asset portfolio to ensure they directly contribute to the delivery of the priority outcomes. Where possible capital investment should be in projects that see the return of the initial invest in order that returns can be allocated to future projects.

8.0 Capital Programme – General Fund

The Council's plans for capital investment are used to develop the Capital Programme, which includes capital expenditure associated with the General Fund. The programme is driven by the need to get maximum value for money from the Council's assets by making sure that they are well maintained and remain fit for purpose, within the limits of available funding. (The 'support good housing for all' priority shown for the Capital Programme relates to General Fund only such as Disabled Facilities Grants and Better Homes and

does not include any investment in Council Housing stock).

Although the Council can borrow to fund its capital expenditure, the cost of the repayments often makes this option unaffordable and so its future capital requirements in the medium term will mainly depend upon existing earmarked resources and a well managed programme of asset disposals; using assets that are no longer suitable or cost effective to fund the acquisition and development of assets for improved service delivery. Of course any asset disposal must represent value for money and therefore issues such as market conditions, timings and wider benefits all need to be taken into account.

The main funding options available for funding the Capital Programme are as follows:

- Capital Reserves – reserves made up from previous capital contributions.
- Capital Receipts – generated from sales of capital assets.
- External Funding – usually in the form of grants or funding contributions.
- Revenue Contributions – made from the General Fund Revenue Account .
- Prudential Borrowing – borrowing with repayments of Principal and Interest (timings depending upon loan type).

Using Reserves and Receipts impacts on the investment returns that are currently been achieved – however with interest rates at historically low levels this has fairly minimal impacts. If interest rates increase in the future then this has a larger financial impact. Prudential borrowing can be the most expensive way of funding Capital Expenditure – however again due to low interest rates it is currently advantageous to borrow if you can demonstrate there is a borrowing need to support the Capital Programme in the future.

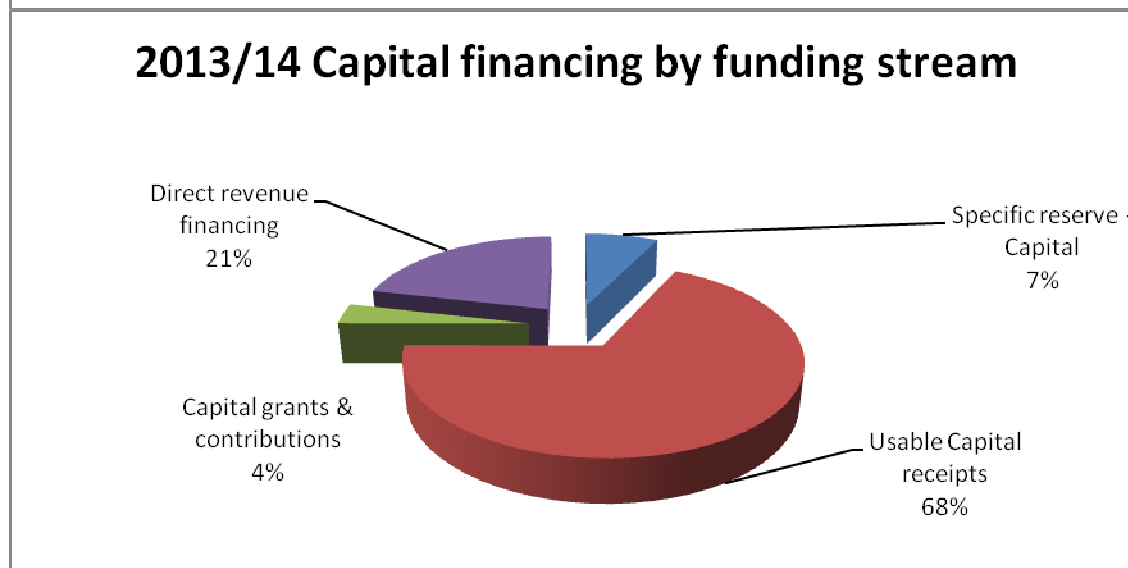
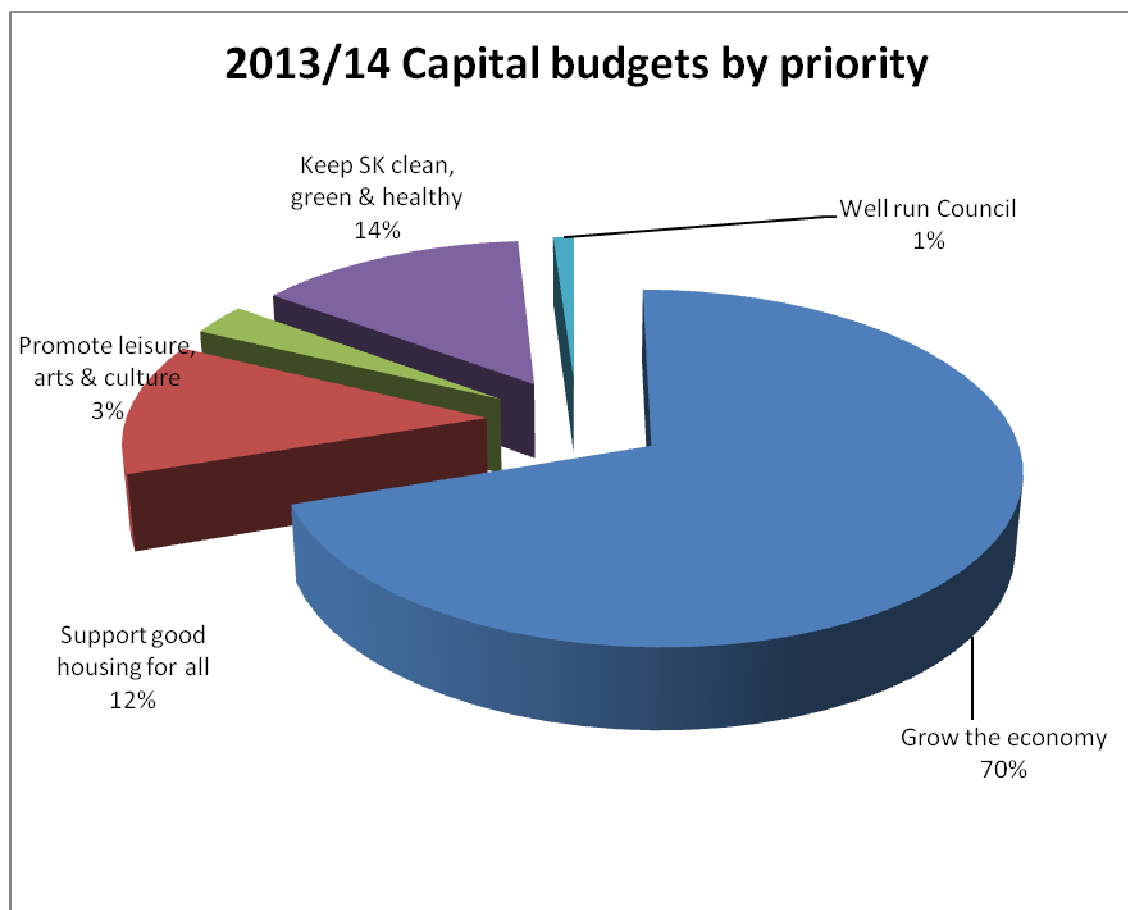
8.1 Approved Capital Programme

The current approved capital programme is summarised in the table below:

| | 2013/14 £000 | 2014/15 £000 | 2015/16 £000 | 2016/17 £000 | 2017/18 £000's |
|--------------|-----------------|-----------------|-----------------|-----------------|-------------------|
| General Fund | 7,111 | 2,733 | 1,767 | 1,412 | 1,126 |

The Capital Programme is to be resourced by:

| General Fund | 2013/14 £000 | 2014/15 £000 | 2015/16 £000 | 2016/17 £000 | 2017/18 £000's |
|---------------------------|-----------------|-----------------|-----------------|-----------------|-------------------|
| Reserves | 515 | | | | |
| Capital Receipts | 4,822 | 1,934 | 971 | 648 | 372 |
| Grants and Contributions | 254 | 254 | 254 | 254 | 254 |
| Revenue Contributions | 1,520 | 545 | 542 | 510 | 500 |
| Total GF Financing | 7,111 | 2,733 | 1,767 | 1,412 | 1,126 |



This is reviewed at least twice annually at closedown and budget setting and it is important that the projects have strategic links to the corporate priorities, procure and/or maintain assets required for service delivery, address health and safety issues, or meets the requirements of grants received (e.g. Disabled Facility Grants). In terms of financing the capital programme any capital grants and contributions will be allocated first as specific funding streams. The council will then look to use any specific Capital Reserves followed by the Usable Capital Receipts reserve. The last call on funding will be through direct revenue contributions and/or borrowing.

9.0 Reserves and Balances

The Council holds a number of Funds and Reserves for various specific, capital or general related reasons to help to fund delivering the Priorities of the Council or to mitigate some of the risks identified above. These reserves are split into;

- Revenue Reserves – earmarked for specific issues.
- Unapplied Grants – grants received but not yet utilised or for grants which the conditions have not yet been fully met.
- Working Balance – general reserve for meeting risks in the General Fund budget (eg reduced income levels, unforeseen expenditure, etc).
- Capital Reserves – utilised for funding Capital Programme spend.

The schedule of current funds and reserves is summarised below:

| General Fund | Projected Balance 31/03/13 £000's | Projected Balance 31/03/14 £000's | Projected Balance 31/03/15 £000's | Projected Balance 31/03/16 £000's |
|------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Revenue Reserves | 7,373 | 7,609 | 8,121 | 8,721 |
| Unapplied Grants | 2,848 | 4,340 | 6,885 | 9,716 |
| Working Balance | 1,571 | 1,571 | 1,571 | 1,571 |
| Total Revenue Reserves | 11,792 | 13,520 | 16,577 | 20,008 |
| Capital Reserves | 7,406 | 3,896 | 3,049 | 2,590 |
| Total General Fund Reserves | 19,198 | 17,416 | 19,626 | 22,598 |

10.0 Risk Assessment

A comprehensive financial risk assessment is undertaken for the Revenue and Capital budget setting process to ensure that all risks and uncertainties affecting the Council's financial position are identified. These are reviewed each year as part of the update of the MTFS. The key strategic financial risks to be considered in developing the MTFS are as follows:

| Risk | Likelihood | Impact | Risk Management |
|---|------------|--------|--|
| Future available resources less than assumed in the MTFS. The Government's spending review for 2015/16 could have a significant impact on future grant awards | High | High | Continual review of priority spending and implementation of transformation and efficiency plan |

| | | | |
|---|----------|--------|--|
| Future spending plans underestimated | Possible | Medium | Service planning priority process to identify emerging spending pressures. Reviews to model delivery of services linked to Council priorities |
| Income targets not achieved | Possible | Medium | Current economic climate likely to have a detrimental impact on specific income headings. Regular monitoring and review of income required |
| Reducing investment levels | High | Medium | As reserves are utilised to deliver capital programmes and priorities there will be an impact on investment income received. Need to consider alternative funding arrangements and identify other investment opportunities |
| Changes to Government policy leading to additional Council responsibilities | High | High | The localism agenda may create additional responsibilities for the Council to delivery services leading to the need to manage expectations with a challenging financial environment |
| Affordability of Capital Programme | Possible | High | Ability to fund capital programme in order to deliver priority projects and ongoing capital investment in key services |
| Negative financial impact following the introduction of the Business Rates Retention scheme | High | High | The level of financial risk to the Council has increased following the BRRS. The Council will need to undertake regular monitoring of its business base and be able to attract inward investment in order to maintain its financial position |

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REPORT TO COUNCIL

REPORT OF: Cllr John Smith- Healthy Environment

REPORT NO: CSL043

DATE: 7th November 2013

| | | |
|---|--|-------------------------------------|
| TITLE: | The Gambling Act 2005 – Review of the Statement of Principles (Gambling Policy) | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Key Decision | |
| PORTFOLIO HOLDER: | Cllr John Smith- Healthy Environment | |
| CONTACT OFFICER: | Mark Jones, Community Safety and Licensing Service Manager Telephone: 01476 40 62 97 E-mail: m.jones@southkesteven.gov.uk | |
| INITIAL IMPACT ASSESSMENT: | Carried out and referred to in point 7 | Full impact assessment Required: No |
| Equality and Diversity | | |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | The Gambling Act 2005 http://www.legislation.gov.uk/ukpga/2005/19/contents The Gambling Commission Guidance (revised Sept 2012) http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012%20(updated%20February%202013).pdf SKDC Statement of Principles adopted 9 December 2010 http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=4195&p=0 Equality Analysis http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=261&MId=2984&Ver=4 | |

1. RECOMMENDATIONS

- 1.1 That the Gambling Act 2005, Statement of Principles (as amended- 2014 and attached as Appendix A to report CSL043) be adopted as the Council's Gambling Policy, for implementation from 14th January 2014.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 To provide members with the background information in relation to the revision of the Statement of Principles and seek approval to adopt as per the recommendation above.

3. DETAILS OF REPORT

- 3.1 The Gambling Act 2005 removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. The Act placed a shared responsibility for the regulation of gambling on the Gambling Commission and local authorities.
- 3.2 In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: licence premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs; regulate gaming and gaming machines in alcohol licensed premises; grant permits to family entertainment centres for the use of certain lower-stake gaming machines; grant permits for prize gaming; consider occasional use notices for betting at tracks; and register small societies lotteries.
- 3.3 In exercising their functions generally under the Act, Licensing Authorities must have regard to the Guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
- 3.4 The Act also includes a requirement for each council to publish, consult on and adopt a Statement of Principles (Gambling Policy) every three years, setting out its policy for administering and enforcing the Act. Before the Statement of Principles can be adopted, the Licensing Authority must consult with the Police, Fire Authority and persons representing people likely to be affected by the Statement of Principles.
- 3.5 In formulating the statement, the Authority must have regard to the Gambling Act, guidance issued by the Gambling Commission and the responses from those consulted on the Policy. The Statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.
- 3.6 The statement must be particular to the local authority area and be formulated to achieve the government's three core aims of:
- Preventing gambling from being a source of crime and disorder, being associated with crime and 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.
- 3.7 The current Statement of Principles was adopted by Council on the 9th December 2010. The policy has been fully reviewed this year and can be found at appendix A. This revision was based on, and in accordance with, the Gambling Commission's Guidance to Licensing Authorities 4th Edition (Sept 2012). The revised policy makes minor amendments in order to simplify the wording and to bring it in line with legislative changes and revised guidance from the Local Government Association and the Gambling Commission.

- 3.8 The Council must undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.
- 3.9 The consultation period in relation to this review lasted for a period of six weeks and closed on 18 October 2013. The consultation was advertised on the South Kesteven District Council website and all responsible authorities and other interested parties were sent written notification of the consultation.
- 3.10 There was only one response during the consultation period that required a change to the document, this referred to clarification regarding a reference to the Chief Officer of Police para 3.11- page 6. This refers to the Chief Constable and not the Police and Crime Commissioner and has been clarified in the revised policy.

3.11 Timetable for implementation

- (a) Council to adopt the revised Statement of Principles- 7 November 2013
- (b) Revised Statement of Principles active- 14 Jan 2014

4. OTHER OPTIONS CONSIDERED

- 4.1 Statutory duty to have a Statement of Principles- No other options considered.

5. RESOURCE IMPLICATIONS

- 5.1 The cost of reviewing and implementing the proposed policy will be met within existing budgets.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

- 6.1 None

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 None identified

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None arising directly from this report, but the Act does require a licensing authority to carry out its functions so as to be reasonably consistent with the three licensing objectives, one being: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no specific financial comments to make in respect of this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 Under S349 of the Gambling Act 2005, the Council is required to publish a statement of principles. The statement has been reviewed in the light of guidance from the gambling commission. The Committee should consider the current statement of principles, how the new draft differs from the current and why those changes are required before deciding to adopt the principles within the Appendix to the report. The report details the consultation response and the statement has been amended accordingly.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

- 11.1 None

12. APPENDICES:

- Appendix A: Revised Statement of Principles



STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

Gambling Statement of Principles

14 January 2014

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SOUTH KESTEVEN DISTRICT COUNCIL

STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

Part A

1. Introduction

1.1. South Kesteven District Council (hereinafter referred to as the 'Licensing Authority') is responsible for the licensing of premises and the issue of permits and authorisations under the Gambling Act 2005 ('the Act'). The Licensing Authority's main functions under the Act are to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue provisional statements
- regulate members' clubs who wish to undertake certain gaming activities, via the issuing of club gaming permits and / or club machine permits
- issue club machine permits to commercial clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- receive notifications, from premises licensed for the sale and consumption of alcohol on the premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue gaming machine permits, to premises licensed for the sale and consumption of alcohol on the 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 (TUNs)
- receive occasional use notices (OUNs)
- provide information to the Gambling Commission regarding details of licences and permits issued (see section 7 within Part A of this Policy Statement 'Exchange of Information')
- maintain registers of the permits and licences that are issued under these functions

1.2. This Statement of Principles is intended to provide clarity to applicants, interested parties and Responsible Authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants.

2. The Licensing Objectives

2.1 In exercising most of their functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Part 1, Section 1 of the Act and within the Gambling Commission's Guidance to Licensing Authorities. The Licensing Objectives are:

- to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- to ensure that gambling is conducted in a fair and open way
- to protect children and other vulnerable persons from being harmed or exploited by gambling

2.2 This Licensing Authority is aware that, as per Part 8 Section 153 of the Act, in making decisions about Premises Licences and Temporary Use Notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing Objectives
- in accordance with the Licensing Authority's Statement of Principles

3. General Matters

3.1 South Kesteven District Council is situated in the south-west corner of the county of Lincolnshire which contains 7 District Councils in total. The area has a population of 133,800 (as detailed in the population projection by the Office for National Statistics) making it the second largest district in the County in terms of population. In terms of area it is the fourth largest, covering 365 square miles. The area is mainly rural with 4 urban areas comprising of Grantham in the north of the district, with the towns of Stamford, Bourne and The Deepings in the south of the district. Additionally there are 100 villages and hamlets in the district.

3.2 At the time of reviewing this policy the Licensing Authority was responsible for the following number of Premises Licences and Permits:

| | |
|--|-----|
| Betting Premises | 11 |
| Bingo Premises | 1 |
| Adult Gaming Centres (AGCs) | 2 |
| Family Entertainment Centres (FECs) | 1 |
| Club Gaming Machine Permits | 12 |
| Alcohol Licensed Premises Gaming Machine Permits – over 2 machines | 10 |
| Alcohol Licensed Premises Notifications of up to 2 Gaming Machines | 116 |
| Small Society Lotteries | 135 |

- 3.3 The Licensing Authority has worked in partnership with the other Councils in the county in preparing this Statement of Principles which is based on the Draft Statement of Principles Guidance issued by the Department of Culture; Media and Sport (DCMS); the Gambling Commission (the Commission) and The Local Government Association (formerly LACORS).
- 3.4 In adopting this Statement of Principles the Licensing Authority recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998. The Council acknowledges the benefits to the community of properly regulating gambling in the district.
- 3.5 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of Licensing Authorities.
- 3.6 Licensing Committees established under Part 2, Section 6 of the Licensing Act 2003 are also the relevant Committees for the purpose of gambling functions. Therefore, the same Committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for Premises Licence applications and other issues (e.g. permits) in relation to gambling.
- 3.7 The proceedings of the Licensing Committee are regulated by Part 2, Section 9 of the Licensing Act 2003 and regulations made under that section. Particular provision can be made for proceedings relating solely to the Licensing Act 2003 functions or just the Gambling Act 2005 functions.
- 3.8 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 3.9 Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon. The statement must be then re-published.
- 3.10 The Licensing Authority consulted widely upon this Statement of Principles before finalising and publishing. A list of the parties consulted is provided in Appendix 2. The consultation period was from 6 September 2013 until 18 October 2013.
- 3.11 The Gambling Act 2005 requires that the following parties be consulted by Licensing Authorities:
- the Chief Officer of Police (Chief Constable)

- one or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area
- one or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005

3.12 A copy of this document can be found on the Council's website. Copies will be available from the Council Offices, St Peter's Hill, Grantham, Lincolnshire NG31 6PZ.

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

Further information is available on the Council's website <http://www.southkesteven.gov.uk>

4. Declaration

4.1 In producing the final statement the Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005; the guidance issued by the Gambling Commission; and any responses from those consulted on this statement.

5. Responsible Authorities

5.1 This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Part 8, 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
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- that this body has proven documented experience in dealing with the protection of children. The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Board

6. Interested parties

6.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. Interested parties are defined in the Act as follows:

“For the purposes of this part a person is an Interested Party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- b) has business interests that might be affected by the authorised activities
- c) represents persons who satisfy paragraph (a) or (b) e.g. Members of Parliament (MPs) and Ward Councillors.”

6.2 Principles of determining Interested Parties

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 Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision the Licensing Authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as the geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as Councillors and MPs. This will include County, District and Parish Councillors providing they represent the ward likely to be affected. Other than these persons the Licensing Authority will require written evidence that a person represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activity(ies) and / or has business interest(s) that might be affected by the authorised activity(ies). A letter from one of these persons requesting the representation is sufficient.

6.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Democratic Services by telephone on (01476) 40 60 80.

7. Exchange of Information

- 7.1 The Licensing Authority may share information received in the exercise of its functions with the Gambling Commission; a Responsible Authority as defined by the Act; an authorised officer of another Licensing Authority; The Gambling Appeal Tribunal; The National Lottery Commission or the Secretary of State.
- 7.2 The Licensing Authority will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.
- 7.3 The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.
- 7.4 The Licensing Authority will inform the Gambling Commission without delay if:
- information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an Operating Licence is received
 - there are persistent or serious disorder problems that an Operator could or should do more to prevent so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence
 - it comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that make it possible that £2,000 in seven days is being exceeded
 - there is any other reasonable and relevant information that the Licensing Authority is of the opinion that the Gambling Commission should be made aware of
- 7.5 Should any protocols be established regarding information exchange with other bodies then they will be made available on request.
- 7.6 The Council is a signatory to the joint Protocol on Information Exchange between South Kesteven District Council and all other Responsible Authority partners within Lincolnshire. The Council will seek to use this provision as appropriate.

8. Enforcement and inspection

- 8.1 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 Part 18, Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.

- 8.2 The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and it will endeavour to be:
- proportionate - regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
 - accountable - regulators must be able to justify decisions, and be subject to public scrutiny
 - consistent - rules and standards must be joined up and implemented fairly
 - transparent - regulators should be open, and keep regulations simple and user friendly
 - targeted - regulation should be focused on the problem, and minimise side effects.
- 8.3 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. 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 will be notified to the Gambling Commission.
- 8.4 As per the Gambling Commission's Guidance to Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.5 The Licensing Authority has implemented a risk-based inspection programme based on:
- the Licensing Objectives
 - relevant Codes of Practice
 - guidance issued by the Gambling Commission, in particular at Part 36.2 of the Gambling Commission's Guidance to Licensing Authorities
 - the principles set out in this Statement of Principles
- 8.6 This Licensing Authority carries out risk-based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.
- 8.7 As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected.

- 8.8 Premises Licence holders are advised that where, following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an Operator subsequently breaches the licence conditions the Licensing Authority will seek to review the Premises Licence.
- 8.9 The Licensing Authority keeps itself informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 8.10 In considering enforcement action the Licensing Authority will bear in mind the Human Rights Act 1998 in particular - Part I, The Convention, Rights And Freedoms:
- Article 6 – Right To A Fair Trial
 - Article 8 – Right To Respect For Private And Family Life
 - Article 10 – Freedom Of Expression
- and Part II, The First Protocol:
- Article 1 – Protection of Property: Every natural or legal person is entitled to the peaceful enjoyment of his possessions
- 8.11 The Licensing Authority has established protocols with the Police and other enforcing Authorities. These protocols will provide for the targeting of agreed problem and high-risk premises whilst applying a lighter touch to low-risk premises.

Enforcement action will be taken in accordance with the Licensing Authority's own enforcement policy which reflects the agreed principles that are consistent with the Enforcement Concordat. To this end the key principles of targeting, consistency, transparency and proportionality will be maintained.

Part B

Premises Licences

1. General Principles

- 1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the Licensing Objectives and
- in accordance with this Licensing Authority's Statement of Principles

- 1.2 It is appreciated that, as per the Gambling Commission's Guidance to Licensing Authorities, "...moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

- 1.3 Premises Licences authorise the provision of gambling facilities on the following:

- Casino premises
- Bingo premises
- Betting premises (including race tracks used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)

1.4 Definition of 'premises'

Premises is defined in the Act as "any place". Different Premises Licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided that they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple-unit premises such as a theme park, track or shopping centre to obtain discrete Premises Licences, where appropriate safeguards are in place.

However, the Licensing Authority will pay particular attention if there are issues about the sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.

- 1.5 The Gambling Commission states in 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 that 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 be properly regarded as different premises."

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

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

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

- 1.6 The Guidance also gives a list of factors which the Licensing Authority should be aware of in determining whether two or more proposed premises are truly separate which may include:

- Is a separate registration for business rates in place for the premises?
- 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?

The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

1.7 The Gambling Commission's relevant access provisions for each premises type, stated within their Guidance to Local Authorities, are reproduced below:

Casinos

- the principal access entrance to the premises must be from a street (as defined at 7.23 of the guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult gaming centres

- 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 defined at 7.23 of the guidance) 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 should be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

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

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

1.8 Premises 'ready for gambling'

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

1.9 In deciding whether a Premises Licence can be granted where there is outstanding construction or alteration works at the premises this Licensing 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"

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 can be made instead.

Applicants should note that this Licensing Authority is entitled to decide that it is appropriate to grant a Licence subject to condition but it is not obliged to grant such a Licence.

More detailed examples of the circumstances in which such a Licence may be granted can be found at Sections 7.59-7.66 of the Gambling Commission's Guidance to Licensing Authorities.

1.10 Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the Licensing Objectives are relevant to its decision making.

As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regard to 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.

1.11 **Planning**

The Gambling Commission Guidance to Licensing Authorities states: "In determining applications the licensing authority has a duty to take into consideration all relevant matters and not take into consideration any irrelevant matter, in effect those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal."

- 1.12 This Licensing Authority will not take into account any irrelevant matters as per the above guidance. In addition this Licensing 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. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

1.13 **Duplication with other regulatory regimes**

This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions which cannot be met by Licensees due to planning restrictions should such a situation arise.

1.14 **Licensing Objectives**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below:

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

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance to Licensing Authorities however does 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 Licensing 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 behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however more of a role with regard to tracks, which is explained in more detail within the 'Tracks' section (item 7 on page 23).

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

This Licensing Authority has noted the Gambling Commission's Guidance to Licensing Authorities which states that this objective means "...preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children...". This Licensing Authority will therefore consider, as suggested in this guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority is also aware of the Gambling Commission Code for Socially Responsible Advertising as regards this licensing objective in relation to specific premises.

In considering the term 'vulnerable persons' it is noted that the Gambling Commission's guidance does not seek to offer a definition but states that "...it does 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 mental health needs, learning disability, or substance misuse relating to alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis.

1.15 Conditions

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of Door Supervisors and appropriate signage for adult-only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance to Licensing Authorities.

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

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

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

This Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each Licence relates to a specified area of the track. As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will 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.

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

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

1.16 Door Supervisors

If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then this Licensing Authority may require that door supervisors control entrances to the premises. This Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

- 1.17 Where door supervisors are imposed as a condition on a premises licence (except casino or bingo premises), Part 8, Section 178 of the Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

2. Adult Gaming Centres (AGCs)

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

- 2.2 This Licensing Authority may consider measures to meet the licensing objectives such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas (e.g. use of door supervisors)
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare

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

- 2.3 This Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21) for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

3. Licensed Family Entertainment Centres (FECs)

- 3.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult- only gaming machine areas. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.
- 3.2 This Licensing Authority may consider measures to meet the licensing objectives such as:
- CCTV
 - supervision of entrances / machine areas (e.g. use of door supervisors)
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets/helpline numbers for organisations such as GamCare
 - measures/training for staff on how to deal with suspected truant school children on the premises

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

- 3.3 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

4. Casinos

- 4.1 Resolution not to issue casino licences – this Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such resolution will be made by the Full Council.

5. Bingo premises

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance to Licensing Authorities states in paragraph 18.4:

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

- 5.2 This Licensing Authority also notes the guidance at paragraph 18.8 of the Gambling Commission's Guidance to Licensing Authorities, regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises as the gaming machine entitlement for that premises would be exceeded.
- 5.3 Children and young persons are allowed into bingo premises however, they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.
- 5.4 In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the machines are located
 - access to the area where the machines are located is supervised
 - the area where the machines are located is arranged so that it can be observed by staff of the Operator or the Licence holder
 - at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.5 Where bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on non-gambling premises.

6. Betting premises

- 6.1 This Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.
- 6.2 Betting machines - this Licensing Authority will, as per the Gambling Commission's Guidance to Licensing Authorities, 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 vulnerable people or by children and young persons (it is an offence for those under 18 to bet) when considering the number / nature / circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 There are currently no tracks operating in the district - however this Statement of Principles will be amended with appropriate regulation should such a facility require licensing within the district.

8. Travelling Fairs

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

9. Provisional Statements

- 9.1 Developers may wish to apply to this authority for a Provisional Statement 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.

9.2 Part 8, Section 204 of the Gambling Act 2005 provides for a person to make an application to the Licensing Authority for a Provisional Statement in respect of premises that he / she:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy

9.3 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.

9.4 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.

9.5 The holder of the Provisional Statement may then apply for a Premises Licence once the premises is constructed, altered or acquired. This 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
- they reflect a change in the applicant's circumstances

9.6 In addition the Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:

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

10. Reviews

- 10.1 Requests for a review of a Premises Licence can be made by Interested Parties or Responsible Authorities. However, it is for this 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
 - in accordance with this Licensing Authority's Statement of Principles.
- 10.2 The request for the review will also be subject to the consideration by this Licensing Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause the Licensing Authority to wish to alter / revoke / suspend the Licence, or whether it is substantially the same as previous representation(s) or request(s) for review.
- 10.3 This Licensing Authority can also initiate a review of a particular Premises Licence or a particular class of Premises Licence on the basis of any reason which it thinks appropriate.
- 10.4 Once a valid application for review has been received by this 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 is received by this Licensing Authority who will publish notice of the application within 7 days of receipt.
- 10.5 This Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 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 this Licensing Authority are to:
- add, remove or amend a Licence condition imposed by the Licensing Authority
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition
 - suspend the Premises Licence for a period not exceeding three months
 - revoke the licence.

In determining what action, if any, should be taken following a review this Licensing Authority must have regard to the principles set out in Section 153 of the Act as well as any relevant representation.

- 10.7 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.
- 10.8 Once the review has been completed this Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Gambling Commission
 - any person who made a representation
 - the Chief Officer of Police or Chief Constable
 - HM Commissioners for Revenue and Customs

11. APPEALS

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

Part C

Permits / Temporary & Occasional Use Notice / Lotteries

1. Unlicensed Family Entertainment Centre (FEC) gaming machine permits

- 1.1 Where a premise does not hold a Premises Licence but wishes to provide Category D gaming machines it may apply to this Licensing Authority for a 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 (as per the Gambling Act 2005 Part 10, Section 238).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a Statement of Principles that it proposes 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 Gambling Commission under Section 25.
- 1.3 The Gambling Commission's Guidance to Local Authorities, paragraph 24.7 also states "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking 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 that are set out in Schedule 7 of the Act)
 - that employees are trained to have a full understanding of the maximum stakes and prizes".

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

- 1.4 **Statement of Principles:** This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider safeguarding 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, vulnerable adults on the premises, 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.

2. Alcohol licensed premises gaming machine permits and notifications

2.1 Notifications of 2 or less machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and / or D. The premises licence holder merely needs to notify this Licensing Authority. This 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 Part 12, Section 282 of the Act
- the premises are mainly used for gaming
- an offence under the Gambling Act 2005 has been committed on the premises

2.2 Permits for 3 or more machines

If a premises wishes to have more than 2 machines then the licence holder needs to apply for a permit and this Licensing Authority must consider that application based upon the licensing objectives, the Gambling Commission's Guidance to Licensing Authorities, Section 25 and "such matters as they think relevant". This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy this Licensing 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 may include the adult-only machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. In ensuring the protection of vulnerable persons - applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

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

2.4 It should be noted that this 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.

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

3. Prize Gaming

- 3.1 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 proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 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 steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit this Licensing Authority does not need to (but may) have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that whilst there are conditions in the Gambling Act 2005 with which the permit holder must comply, the Licensing Authority itself 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 monetary prize) or the prescribed value (if a non-monetary prize)
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

- 4.1 Members’ clubs may apply for a Club Gaming permit or a Club Machine permit (Commercial Clubs cannot apply for a Club Gaming 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 regulations. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 4.2 The Gambling Commission's Guidance to Licensing Authorities states: "Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations."
- 4.3 The Gambling Commission's Guidance to Licensing Authorities notes that "Licensing Authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club 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
 - (e) An objection has been lodged by the Commission or the police."
- 4.4 There is also a 'fast-track' procedure available under the Act (Schedule 12 paragraph 10) for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance to Licensing Authorities states, "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced...The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under Section 266 of the Act
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 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.

5. Temporary Use Notices

- 5.1 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. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of a "set of premises" this Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.2 This Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant Operating Licence i.e. a Non-Remote 1968 or 2005 Act Casino Operating Licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices 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.
- 5.4 This Licensing Authority has to ensure that the statutory limit of 21 days in a calendar year is not exceeded.
- 5.5 There are a number of statutory limits applied to Temporary Use Notices. These can be found in the Gambling Act (Part 9).
- 5.6 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.

6. Occasional Use Notices

- 6.1 This 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.

7. Lotteries

- 7.1 This Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission)
 - Small Society Lotteries (registered with the Licensing Authority)
 - Exempt Lotteries
- 7.2 Lotteries permitted to be conducted without a Licence from the Gambling Commission are:
- Small Society Lotteries (registered with the Licensing Authority)
 - Incidental Non-Commercial Lotteries
 - Private Lotteries (Private Society Lottery, Work Lottery, Residents' Lottery)
 - Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with this Licensing Authority or fall within the exempt category. This Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting this Licensing Authority.
- 7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and, where possible, will inform the other Licensing Authority.
- 7.5 This Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by this Licensing Authority. As soon as the entry on the Public Register is completed, this Licensing Authority will notify the applicant of registration.
- 7.6 This Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. This Licensing Authority may seek further information from the Society and in particular may require a copy of the Society's constitution.
- 7.7 Where this Licensing Authority intends to refuse registration of a Society it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

- 7.8 This Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. This Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.9 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:

- tickets should not be sold in a Street. ('Street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres)). However,
- tickets may be sold in a street from a kiosk, in a shop or door to door.

This approach is consistent with the Operating Licence conditions imposed by the Gambling Commission upon operators of large lotteries.

8. Review

- 8.1 This Statement of Principles will remain in existence for a period of three years and will be subject to review and further consultation before 14 January 2017. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

9. Glossary

- 9.1 A glossary of terms is attached at Appendix 3

APPENDIX 1

Summary of Licensing Authority delegations permitted under the Gambling Act

| Matter to be dealt with | Full Council | Sub-Committee of Licensing Committee | Officers |
|--|--------------|---|---|
| Final approval of three year Licensing Statement of Principles | All Cases | | |
| Pass a resolution not to permit casinos | All Cases | | |
| Fee setting (when appropriate) | | | X |
| Application for Premises Licence (including applications for Re-instatement under S195*) | | Representation made and not withdrawn (S154 (4) (a)*) | No representation made or representations have been withdrawn |
| Application to vary Premises Licence | | Representation made and not withdrawn (S154 (4)(b)*) | No representation made or representations have been withdrawn |
| Application for transfer of Premises Licence | | Representation made by the Commission (S154 (4) (c)*) | Where no representations received from the Commission |
| Application for a Provisional Statement | | Representation made and not withdrawn (S154 (4) (d)*) | No representation made or representations have been withdrawn |
| Revocation of a Premises Licence (for failure to pay annual fee under S193*) | | | All Cases |

| Matter to be dealt with | Full Council | Sub-Committee of Licensing Committee | Officers |
|---|---------------------|--|---|
| Review of a Premises Licence | | X | |
| Application for Club Gaming/Club Machine Permits | | Objection made and not withdrawn (Schedule 12 Paragraph 28 (2)*) | No objection made or objections have been withdrawn |
| Cancellation of Club Gaming / Club Machine Permits under Schedule 12 Paragraph 21* | | X | |
| Consideration of Temporary Use Notices (including Notices modified under Section 223) | | All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary. All cases where a counter notice may be required (S232 (3)*) | All other cases |
| Decision to give a Counter Notice to a Temporary Use Notice | | All Cases | |
| Applications for other Permits, Registrations and Notifications | | | X |
| Cancellation of Licensed Premises Gaming Machine Permits (Schedule 13 Paragraph 16*) | | | X |

| Matter to be dealt with | Full Council | Sub-Committee of Licensing Committee | Officers |
|---|---------------------|---|-----------------|
| Cancellation of Licensed Premises Gaming Machine Permits for non-payment of fee | | | X |
| Registration of Small Society lotteries | | Where officers believe there is a reason to refuse the application for registration | All other cases |
| Cancellation of a Small Society lottery due to non-payment of annual fee | | | All cases |
| Consideration of Temporary Use Notice | | | X |
| Decision to give a Counter Notice to a Temporary Use Notice | | X | |

*Gambling Act 2005

'**X**' - Indicates at the lowest level to which decisions can be delegated.

The Sub-Committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee, shall be comprised of, normally a minimum of 3 members.

APPENDIX 2

SOUTH KESTEVEN DISTRICT COUNCIL STATEMENT OF PRINCIPLES GAMBLING ACT 2005

Parties consulted

Statutory Consultees

Lincolnshire Police
Lincolnshire Fire and Rescue
Environmental Health – Environment Section - SKDC
Environmental Health – Commercial Section – SKDC
Health and Safety Executive
Gambling Commission
Lincolnshire Safeguarding Children Board
Building Control – SKDC
HM Revenue and Customs

Public Bodies

South Lincolnshire CCG
South West Lincolnshire CCG
Lincolnshire County Council (Highways)
Security Industry Authority
Lincolnshire County Council (Social Services)
Lincolnshire County Council (Trading Standards)
Lincolnshire County Council (Educational Welfare)
Citizens' Advice Bureau
Lincolnshire Probation Trust
Lincolnshire Safeguarding Adults Board

Lincolnshire Authorities

Lincoln City Council
North Kesteven DC
South Holland DC
West Lindsey DC
East Lindsey DC
Boston Borough Council
North East Lincolnshire Council

Community Consultees

Bourne Town Council
Market Deeping Town Council
Stamford Town Council
Deeping St James Parish Council
Stamford Civic Society

Grantham Civic Society
Nicholas Boles MP
Stephen Phillips MP
John Hayes MP
GamCare
Addaction
Samaritans
Community Lincs
Relate
Lincolnshire Credit Union

Trade Associations involved in Gaming and Entertainment Industry

British Beer & Pub Association
British Institute of Innkeeping
Campaign for Real Ale
Pubwatch – Grantham, Stamford and Bourne and The Deepings
The Bingo Association
Gamestec
Association of British Bookmakers Ltd
Casino Operators' Association
Racecourse Association
Business in Sport and Leisure
British Holiday and Home Parks Association
British Casino Association
British Amusements and Catering Trade Association
Wakley Automatics
Eastern Automatics
Hart-Marler Leisure
Leisure Link
Peterborough Automatics
Claremont Automatics
Keeday Leisure
Gala Bingo
Bet Fred
Coral UK
Mark Jarvis Betting
Ladbrooks
All alcohol licensed premises and registered club premises
Amusement arcades permit holders in the district

Document enhancement for the visually impaired available on request.
Telephone: (01476) 40 63 00 or email:
licensing@southkesteven.gov.uk

APPENDIX 3

GLOSSARY OF TERMS UNDER THE GAMBLING ACT 2005

| | |
|-----------------------------|--|
| Council: | South Kesteven District Council |
| Applications: | Applications for licences and permits as stated in the Statement of Principles |
| Notifications: | Notifications of temporary and occasional use notices |
| Act: | The Gambling Act 2005 |
| Regulations: | Regulations made under the Act |
| Premises: | Any place, including a vehicle, vessel or moveable structure |
| Track Premises Licence | Section 53 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. |
| Operator Licence | Issued by the Council to authorise premises to be used for the activities as defined by Section 150 of the Act |
| Personal Licence: | Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Act |
| Family Entertainment Centre | Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Act |
| Adult Gaming Centre | The Act creates two classes of Family Entertainment Centres: Licensed: which provide category C and D gaming machines and require a premises licence |
| Gaming Machine | Unlicensed: which provide category D gaming machines in reliance on a Gaming Machine Permit. |
| Money Prize Machine | Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence. |
| Non- Money Prize Machine | A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Act A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3 (7) of the Categories of Gaming Machine (Amendment) Regulations 2009 A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming |

| | |
|--|---|
| <p>Crane Grab Machine</p> | <p>Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8.</p> <p>A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50</p> |
| <p>Coin Pusher or Penny Fall Machine</p> | <p>These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15 (no more than £8 may be a money prize).</p> |
| <p>Other Categories of Gaming Machines</p> | <p>A – No category A gaming machines are currently permitted</p> <p>B1 – Maximum Stake: £2, Maximum Prize: £4000</p> <p>B2 – Maximum Stake: £100, Maximum Prize: £500 (multiples of £10)</p> <p>B3 – Maximum Stake: £2, Maximum Prize: £500</p> <p>B3A – Maximum Stake: £1 Maximum Prize: £500</p> <p>B4 – Maximum Stake: £1, Maximum Prize: £250</p> <p>C – Maximum Stake: £1, Maximum Prize: £70</p> <p>D – Money Prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize: £5</p> <p>D – Non-money prize (other than crane grab, coin pusher or penny falls machine)) Maximum stake: 30p Maximum Prize: £8</p> <p>D- Non-money prize (crane grab machine) Maximum stake: £1 Maximum prize: £50</p> <p>D – Combined money and non-money prize (other than coin pusher or penny falls machine) Maximum Stake: 10p maximum prize: £8 (of which no more than £5 may be a money prize)</p> <p>D – Combined money and non-money prize (coin pusher or penny falls machine) Maximum stake: 10p Maximum prize: £15 (of which no more than £8 may be a money prize)</p> |

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| Code of Practice: | Means any relevant code of practice under section 24 of the Gambling Act 2005 |
| Responsible Authority: | <p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (South Kesteven District Council); 2. The Gambling Commission; 3. Lincolnshire Police; 4. Lincolnshire Fire and Rescue; 5. Planning Department, South Kesteven District Council; 6. Environment Health Services (Environmental Protection and Health & Safety) South Kesteven District Council; 8. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council; 9. HM Customs and Excise |
| Interested Party: | <p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> 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; c) Represents persons who satisfy a) or b) above. |

REPORT TO COUNCIL

REPORT OF: Governance and Communication Portfolio Holder

REPORT NO: LDS112

DATE: 7 November 2013

| | | |
|--|--|---|
| TITLE: | Electoral Review of South Kesteven – Draft Recommendations | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Statutory Requirement | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Paul Carpenter Portfolio: Governance and Communication | |
| CONTACT OFFICER: | Julie Edwards Elections and Democratic Services Team Leader Telephone: 01476 40 60 78 E-mail: j.edwards@southkesteven.gov.uk | |
| INITIAL IMPACT ANALYSIS: Equality and Diversity | Carried out and Referred to in paragraph (7) below | Full impact assessment Required: N/A |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | <p>Draft Recommendations for South Kesteven: http://www.lgbce.org.uk/documents/lgbce/reviews/south-kesteven/draft-recs/south-kesteven-draft-recommendations-to-2013-09-26-final.pdf</p> <p>Letter from Boundary Commission: http://www.lgbce.org.uk/documents/lgbce/reviews/south-kesteven/draft-recs/s-kesteven-draft-launch-chief-exec-2013-10-15.pdf</p> <p>South Kesteven Warding Patterns Submission: http://www.lgbce.org.uk/documents/lgbce/reviews/south-kesteven/stage-1/south-kesteven-dc-submission-2013-07-19.pdf</p> <p>South Kesteven Council Size Submission: http://www.lgbce.org.uk/documents/lgbce/reviews/south-kesteven/council-size/lgbce-1318-south-kesteven-council-size-appendix-a-2013-02-12.pdf</p> <p>Equality Analysis: http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=11933</p> | |

1. RECOMMENDATIONS

- 1.1 That the Council delegates authority to the Electoral Review Working Group to prepare and submit a response to the Local Government Boundary Commission for England's draft recommendations on Warding arrangements on the Council's behalf.**

2. PURPOSE OF THE REPORT

- 2.1 Members will be aware that the Local Government Boundary Commission for England (LGBCE) is conducting a review of the electoral arrangements for South Kesteven with the revised electoral arrangements being introduced at the next ordinary District Council elections in May 2015.
- 2.2 At its meeting on 12 July 2012, the Council appointed a working group to develop detailed proposals. Councillors Adams, Cooke, Davidson, Howard and Adam Stokes were appointed to the working group. Councillor Woolley was appointed in place of Councillor Cooke at the meeting held on 18 April 2013.
- 2.3 The Council submitted a proposal for a council size of 55 councillors. LGBCE invited submissions proposing Warding arrangements which were based on a council size of 55. Following analysis of the Council's submission, the LGBCE determined that the district would be best served by 56 councillors which would equate to each councillor representing an average of 2,057 electors by 2019.
- 2.4 The LGBCE published its draft recommendations on 15 October 2013 and the consultation period will run until 6 January 2014.
- 2.5 The purpose of this report is to delegate authority to the Electoral Review Working Group to prepare and submit a response to the LGBCE's draft recommendations.

3. DETAILS OF REPORT

- 3.1 In some areas the LGBCE has adopted the wards proposed by the Council whilst in other parts of the district modifications have been made to the Council's proposed wards. 19 of the 30 proposed wards are the same as those proposed by the Council but the Boundary Commission is proposing revised names for two of these wards. Modifications have been made to the remaining 11 wards.
- 3.2 The LGBCE's draft recommendations propose that the 56 Councillors should represent a total of 30 wards with eight single-member, 18 two-member and four three-member wards across the district.
- 3.3 Attached at Appendix A is the LGBCE's draft recommendations summary report together with a schedule detailing the differences between the Council's submission and these recommendations.
- 3.4 A copy of the LGBCE's full report is available on its website: <http://www.lgbce.org.uk/all-reviews/east-midlands/lincolnshire/south-kesteven-fer>. An Interactive map of the Commission's draft recommendations is available in the consultation area of their website <https://consultation.lgbce.org.uk/>.

- 3.5 It is proposed that the Electoral Review Working Group, comprising of 5 members, prepare and submit a response to the proposed changes from the Council submission to the LGBCE by the deadline of 6 January 2014.
- 3.6 Members are encouraged to submit any comments they have on changes proposed in the draft recommendations to the representatives of the working group by 15 November 2013.
- 3.7 The consultation period will run until 6 January 2014 and members can, if they wish, submit their own comments to the consultation direct to the LGBCE.
- 3.8 As part of the consultation process, the LGBCE has contacted MPs and MEPs with constituency interests in the area and all parish and town councils. In addition the Council will make parish and town councils aware of the draft recommendations and of the consultation period.
- 3.9 The LGBCE will consider all comments received during the consultation period and will publish its final recommendations on 25 March 2014.

4. OTHER OPTIONS CONSIDERED

- 4.1 Other interested parties, such as political parties, parish councils or local residents and members may make their own comments to the LGBCE on the Draft Recommendations.

5. RESOURCE IMPLICATIONS

- 5.1 The review has had and will have staffing implications which have been absorbed by the Legal and Democratic Services team. Evidence and assistance has been provided by the Planning Policy team and IT. Following the completion of the review, a full review of all polling districts and polling places will need to be carried out which will have further staffing implications.
- 5.2 Travelling expenses are payable to Councillors appointed to the working group. Provision is made within the Legal and Democratic Services budget for the payment of travel expenses.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and no exceptional / high risks have been identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 A stage 1 equality analysis has been completed and is available as a background paper to this report. No adverse impact was identified. Every consideration was given to ensure equality of representation throughout the process.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 There are no crime and disorder implications arising as a result of this report.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 The change to the number of Councillors will have financial implications. A review of members' remuneration is currently being carried out and will take into account the financial implications of the reduction in the number of Councillors from 58 to 56. Any proposed changes to the warding arrangements may have an impact on the cost of elections although it is not expected to impact significantly.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 Local authority boundary reviews are carried out to review the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each. Electoral reviews are initiated primarily to improve electoral equality. This means ensuring, so far as is reasonable, that each councillor elected to the authority represents the same number of electors. The Local Government Boundary Commission is responsible for putting any changes to electoral arrangements into effect and does this by making an Order. The local authority then conducts local elections on the basis of the new arrangements set out in that Order.
- 10.2 The Boundary Commission and provision for review was introduced by the Local Democracy, Economic Development and Construction Act 2009.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 Not applicable.

12. APPENDICES:

- Appendix A –LGBCE's draft recommendations summary report and schedule detailing the differences between the Council's submission and these recommendations

Helping you to have your say:

We are now consulting local people on a new pattern of wards for South Kesteven. The Commission has an open mind about its final recommendations and will consider every piece of evidence we receive from local groups and people. Every representation will be considered, regardless of whom it is from or whether it relates to the whole district or just a part of it.

If you agree with our recommendations, please let us know. If you don't think our recommendations are right for South Kesteven, we want to hear alternative proposals for a different pattern of wards.

The Commission aims to propose a pattern of wards for South Kesteven which delivers:

- **Electoral equality:** each councillor represents a similar number of voters.
- **Community identity:** reflects the identity and interests of local communities.
- **Effective and convenient local government:** helping your council discharge its responsibilities effectively.

October 2013

The
Local Government
Boundary Commission
for England

Draft recommendations on the new electoral arrangements for South Kesteven District Council

Summary report

Read the full report, view the detailed maps and have your say at: consultation.lgbce.org.uk
Find out more at: www.lgbce.org.uk
Follow us on Twitter at: [@LGBCE](https://twitter.com/LGBCE)

A good pattern of wards should:

- Provide good electoral equality, with each councillor representing, as closely as possible, the same number of voters.
- Reflect community interests and identities and include evidence of community links.
- Be based on strong, easily identifiable boundaries.
- Help the council deliver effective and convenient local government.

Electoral equality:

- Does your proposal mean that councillors would represent roughly the same number of voters as elsewhere in the council area?

Community identity:

- **Transport links:** are there good links across your proposed ward? Is there any form of public transport?
- **Community groups:** is there a parish council, residents association or another group that represents the area?
- **Facilities:** does your pattern of wards reflect where local people go for shops, medical services, leisure facilities etc?
- **Interests:** what issues bind the community together or separate it from other parts of your area?
- **Identifiable boundaries:** are there natural or constructed features which make strong boundaries for your proposals?

Effective local government:

- Are any of the proposed wards too large or small to be represented effectively?
- Are the proposed names of the wards appropriate?

Useful tips:

- Our website has a special consultation area where you can explore the maps and draw your own proposed boundaries. You can find it at consultation.org.uk.
- We publish all submissions we receive on our website so you can follow what other people and organisations have told us. Go to: www.lgbce.org.uk

Have your say by writing to:

Review Officer (South Kesteven)
LGBCE
Layden House
76-86 Turnmill Street
London EC1M 5LG

Through our consultation area:
consultation.lgbce.org.uk
or by email to: reviews@lgbce.org.uk

The full report and interactive maps are available to view at www.lgbce.org.uk

Follow us on Twitter: [@LGBCE](https://twitter.com/LGBCE)

Who we are

The Local Government Boundary Commission for England is an independent body set up by Parliament. We are not part of government or any political party. We are accountable to Parliament through a committee of MPs chaired by the Speaker of the House of Commons.

Our main role is to carry out electoral reviews of local authorities throughout England.

Electoral review

An electoral review examines and proposes new electoral arrangements for a local authority. A local authority's electoral arrangements are:

- The total number of councillors representing the council's voters ('council size').
- The names, number and boundaries of wards or electoral divisions.
- The number of councillors representing each ward or division.

Why South Kesteven?

We are conducting an electoral review of South Kesteven District Council to deliver improved levels of electoral equality for local voters.

South Kesteven currently has high levels of electoral inequality where some councillors represent many more - or many fewer - voters than others. This means that the value of your vote - in district council elections - varies depending on where you live in South Kesteven.

Our proposals for South Kesteven

South Kesteven District Council currently has 58 councillors. We propose that the council should have 56 councillors in future. The Commission believes that a council size of 56 members will ensure the council can discharge its roles and responsibilities effectively and provides for a warding pattern that meets our statutory criteria.

Electoral arrangements

Our draft recommendations propose that South Kesteven's 56 councillors should represent eight single-member, 18 two-member and four three-member wards across the district.

You have until 6 January 2014 to have your say on the draft recommendations

| Stage of review | Description |
|--------------------------|---|
| 26 Feb - 8 April 2013 | Public consultation on council size |
| 15 Oct 2013 - 6 Jan 2014 | Public consultation on draft recommendations for new electoral arrangements |
| 25 March 2014 | Publication of final recommendations by the Commission |
| May 2015 | Subject to parliamentary approval - implementation of new arrangements at local elections |

Overview of draft recommendations for South Kesteven District Council

Summary of our recommendations

We have considered all of the submissions we received during the previous phase of consultation and our draft recommendations are largely based on the submission from the Council.

In some areas we have adopted the wards proposed by the Council. In other parts of the district we have modified the Council's proposed wards to better reflect our statutory criteria. Our draft recommendations are based on a council size of 56.

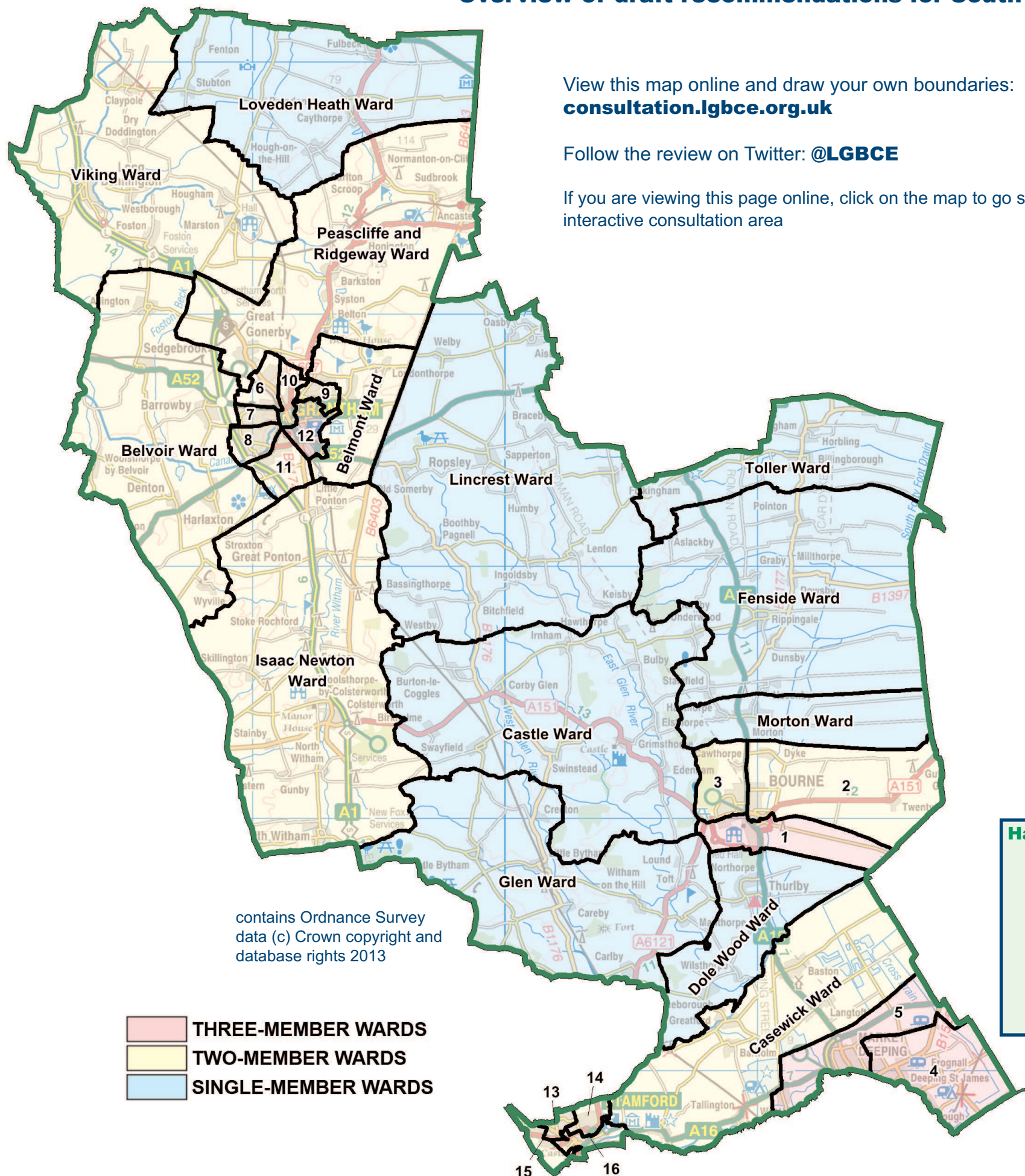
In response to the submissions received, we have developed warding patterns in the **Grantham** area that are based broadly on those of the Council. We have decided to include communities on the edge of Grantham, which appear to be part of the town's communities in wards covering the town. We have also decided to adopt the proposal from two district councillors for this area.

We have also largely based our draft recommendations for the **Bourne, Market Deeping** and **Deeping St James** areas of the district on the proposals from the Council. In the Bourne area we have proposed some small modifications to the boundaries proposed by the Council.

In the **Stamford** area, we have again largely based our draft recommendations on those suggested by the Council, with some amendments to provide for stronger boundaries. We have also decided to propose the ward names as suggested by Stamford Town Council.

In the **rural area** of the district we have based our draft recommendations on those proposed by the Council. However, we have differed from the Council's proposals in one area where we are proposing a combined **Peascliffe & Ridgeway** ward.

You can read the full report on our website at www.lgbce.org.uk.



View this map online and draw your own boundaries:
consultation.lgbce.org.uk

Follow the review on Twitter: [@LGBCE](https://twitter.com/LGBCE)

If you are viewing this page online, click on the map to go straight to our interactive consultation area

Map key:

- 1 – Austerby
- 2 – Bourne East
- 3 – Bourne West
- 4 – Deeping St James
- 5 – Market & West Deeping
- 6 – Grantham Arnoldfield
- 7 – Grantham Barrowby Gate
- 8 – Grantham Earlesfield
- 9 – Grantham Harrowby
- 10 – Grantham Priors
- 11 – Grantham Springfield
- 12 – Grantham St Vincent's
- 13 – Stamford All Saints
- 14 – Stamford St George's
- 15 – Stamford St John's
- 16 – Stamford St Mary's

Have your say at consultation.lgbce.org.uk:

- view the map of our recommendations down to street level.
- draw your own boundaries online.
- zoom into the areas that interest you most.
- find more guidance on how to have your say.
- read the full report of our recommendations.
- send us your views directly.

ELECTORAL REVIEW OF SOUTH KESTEVEN

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

SUMMARY DRAFT RECOMMENDATIONS ON THE NEW ELECTORAL ARRANGEMENTS

| Ward name proposed by Boundary Commission | SKDC's proposal | Boundary Commission Draft Recommendation | Change from Council's proposal |
|---|---|---|---|
| Rural Wards | | | |
| Belmont (2 councillors) | Whole Parish of Londonthorpe & Harrowby Without | Small part of the Londonthorpe and Harrowby Without parish removed from this ward to Grantham St Vincent's ward. Proposal would create two parish wards for the Londonthorpe and Harrowby Without parish – one ward with 12 members and one ward with 1 member | Approx 325 electors removed from this ward and transferred to Grantham St Vincent's Parish Council divided into 2 wards. |
| Belvoir (2 councillors) | Parishes of Allington, Barrowby, Denton, Harlaxton, Sedgebrook, Woolsthorpe by Belvoir, Wyville-Cum-Hungerton | As SKDC proposal | No change |
| Casewick (2 councillors) | Parishes of Barholm & Stowe, Baston, Greatford, Langtoft, Tallington, Uffington | As SKDC proposal | No change |
| Castle (1 councillor) | Parishes of Burton Coggles, Corby Glen, Edenham, Irnham, Kirkby Underwood, Swayfield, Swinstead | As SKDC proposal | No change |
| Dole Wood (1 councillor) | Parishes of Braceborough & Wilsthorpe and Thurlby | As SKDC proposal | No change |
| Fenside (1 councillor) | Parishes of Aslackby & Laughton, Dowsby, Dunsby, Haconby & Stainfield, Pointon & Sempringham and Rippingale | As SKDC proposal | No change |
| Glen (1 councillor) | Parishes of Careby, Aunby & Holywell, Carlby, Castle Bytham, Counthorpe & Creeton, Little Bytham, Toft with Lound and Manthorpe and | As SKDC proposal | No change |

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| | Witham-on-the-Hill | | |
| Isaac Newton (2 councillors) | Parishes of Colsterworth, Easton, Great Ponton, Gunby & Stainby, Little Ponton & Stroxtan, North Witham, Skillington, South Witham and Stoke Rochford | As SKDC proposal | No change |
| Lincrest (1 councillor) | Parishes of Bitchfield & Bassingthorpe, Boothby Pagnell, Braceby & Sapperton, Heydour, Ingoldsby, Lenton Keisby & Osgodby, Old Somerby, Pickworth, Rospley & Humby, Welby | As SKDC proposal | No change |
| Loveden Heath (1 councillor) | Parishes of Caythorpe, Fenton, Fulbeck, Hough-on-the-Hill and Stubton. SKDC proposed ward name was "Grange" | As SKDC proposal with revised name "Loveden Heath" | Change of ward name only |
| Morton (1 councillor) | Parish of Morton & Hanthorpe | As SKDC proposal | No change |
| Peascliffe and Ridgeway (2 councillors) | Two separate single member wards: 1. Peascliffe - comprising Parishes of Belton & Manthorpe and Great Gonerby. 2. Ridgeway – comprising Parishes of Ancaster, Barkston, Carlton Scroop, Honington, Normanton and Syston | One two member ward comprising Parishes of : <ul style="list-style-type: none"> • Belton & Manthorpe Parish excluding the area around Rosedale Drive (approx 230 electors) proposal is for these to move to the Grantham Priory Ward. • Great Gonerby excluding the area around Pennine Way (approx 150 electors) – proposal is for these to move to the Grantham Arnoldfield Ward • Ancaster, Barkston, Carlton Scroop, Honington, Normanton and Syston Proposal would create two parish wards for the following Parish Councils: <ul style="list-style-type: none"> • Belton & Manthorpe Parish – one ward with 4 members and one ward with 3 members • Great Gonerby Parish – one ward with | Merging of SK proposed Peascliffe and Ridgeway wards, with modifications to boundaries, to create 2 member ward. Approx 230 electors from Belton & Manthorpe Parish removed from this ward and transferred to Grantham Priory Ward. Parish Council divided into 2 wards Approx 150 electors from Great Gonerby Parish removed from this ward and transferred to Grantham Arnoldfield Ward. Parish Council divided into 2 wards. |

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| | | 10 members and one ward with 1 member | |
| Toller (1 councillor) | Parishes of Billingborough, Folkingham and Horbling | As SKDC proposal | No change |
| Viking (2 councillors) | Parishes of Claypole, Foston, Hougham, Long Bennington, Marston, Westborough and Dry Doddington | As SKDC proposal | No change |
| Bourne | | | |
| Austerby (3 councillors) | Southern area of Bourne with boundaries along West Road/West Street, South Road, Austerby/Willoughby Road, Cherry Holt Road and the Bourne Eau. Proposed as a 2 Member Ward | Revised northern boundary along the backs of properties on Coggles Causeway, then along back of properties of Victoria Place, along Spalding Road and along the drain behind properties on Cherry Holt Road recommended to be a 3 Member Ward. | Revised boundary to the north of this ward to take in additional properties between Austerby/Willoughby Road and Coggles Causeway/Victoria Place/Spalding Road. Change of name from 'Bourne South' to 'Austerby'. An increase of 1 councillor. |
| Bourne East (2 councillors) | Eastern area of Bourne with boundaries along North Road/North Street, Austerby/Willoughby Road, Cherry Holt Road and the Bourne Eau | Revised southern boundary to along the backs of properties on Coggles Causeway, then along back of properties of Victoria Place, along Spalding Road and along the drain behind properties on Cherry Holt Road | Revised boundary to the south of this ward to remove properties between Austerby/Willoughby Road and Coggles Causeway/Victoria Place/Spalding Road. |
| Bourne West (2 councillors) | Western area of Bourne with boundaries along North Road/North Street and West Street/West Road | As SKDC proposal | No change |
| Grantham | | | |
| Grantham Arnoldfield (2 councillors) | Area to the North of Barrowby Road and west of the East Coast railway line | Revised boundary from Barrowby Road along the A607 and North Parade then along the East Coast railway line. Addition of area around Pennine Way (approx 150 electors) from Great Gonerby parish | Addition of properties to the west of North Parade and the area around Pennine Way from Great Gonerby parish. |
| Grantham Barrowby Gate (2 councillors) | Area to the South of Barrowby Road, west of the East Coast railway line and north of Dysart Road. | As SKDC proposal | No change |
| Grantham Earlesfield (2 councillors) | Area to the South of Dysart Road, west of the East Coast railway line and north of Harlaxton Road | As SKDC proposal | No change |

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| Grantham Harrowby (2 councillors) | Area to the east of the River Witham and to the north of St Catherine's Road and public footpath behind Grantham Cemetery. Proposed as a three Member Ward | Revised boundary to the south of this ward behind properties in Gorse Rise, Sharpe Road and Gorse Road. | Reduction of the size of this ward and adjusted from a 3 member to 2 member ward. |
| Grantham Priory (2 councillors) | Area to the east of the East Coast railway line, north of Wharf Road, St Catherine's Road and west of Welham Street and the River Witham. | Addition of a small part of the Belton & Manthorpe Parish around Rosedale Drive (approx 230 electors). Removal of area west of North Parade to the East Coast mainline. | Addition of 230 electors from Belton & Manthorpe Parish. |
| Grantham Springfield (2 councillors) | Area to the south of Harlaxton Road, west of the East Coast railway line. | As SKDC proposal | No change |
| Grantham St Vincent's (3 councillors) | Area to the south of Wharf Road/St Catherine's Road/footpath behind Grantham Cemetery and to the east of the East Coast railway line. Proposed as a two Member Ward. | Revised boundary along Wharf Road, St Catherine's Road, Welham Street and along the River Witham to Hill Avenue then behind properties on Gorse Rise, Sharpe Road and Gorse Road. Also addition of a small part of the Londonthorpe and Harrowby Without parish (approx 300 electors). | Extension of boundary in the north of this ward and inclusion of properties around Saltersford Road from the Londonthorpe and Harrowby Without parish. Increase from 2 member ward to a 3 member ward. |
| The Deepings | | | |
| Deeping St James (3 councillors) | Parish of Deeping St James | As SKDC proposal | No change |
| Market and West Deeping (3 councillors) | Parishes of Market Deeping and West Deeping | As SKDC proposal | No change |
| Stamford | | | |
| Stamford All Saints (2 councillors) | Area within boundaries formed by Casterton Road, Sutherland Way, Empingham Road, Roman Bank, Casterton Road, rear of properties on Essex Road and along Green Lane. SKDC proposed Ward name was Stamford Bluecoats | As SKDC proposal | Change of Ward name only |
| Stamford St George's | Area within the boundaries formed by Green | Revised southern boundaries : | Change of Ward name and minor |

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| (2 councillors) | Lane, rear of properties on Essex Road, Little Casterton Road, Radcliffe Road, New Cross Road, Recreation Ground Road, East Street and Uffington Road. SKDC proposed Ward name was Stamford Northfields. | <ul style="list-style-type: none"> • To follow Ryhall Road/public right of way #3 /River Gwash instead of Uffington Road • To exclude properties in Northumberland Avenue | amendment to the southern and eastern boundaries. |
| Stamford St John's (2 councillors) | Area to the west of Casterton Road and Sutherland Way, south of Empingham Road and Roman Bank and north of Tinwell Road. SKDC proposed Ward name was Stamford Malcolm Sargent. | Revised southern boundary of this ward along Waterfurlong and the waterway adjacent to Melancholy Walk then along the River Welland (to be coterminous with the County Division boundary). | Change of Ward Name and minor amendment to the southern boundary. |
| Stamford St Mary's (2 councillors) | Area within the boundaries formed by Tinwell Road, Roman Bank, Scotgate, Casterton Road, Radcliffe Road, New Cross Road, Recreation Ground Road, East Street and Uffington Road. SKDC proposed name was Stamford St Martin's. | Revised northern boundaries : <ul style="list-style-type: none"> • To follow Ryhall Road/public right of way #3/ River Gwash instead of Uffington Road • To include properties in Northumberland Avenue Revised western boundary : <ul style="list-style-type: none"> • along Waterfurlong and the waterway adjacent to Melancholy Walk and the River Welland All of these amendments are to remain coterminous with the County Division boundaries. | Change of Ward name and amendments to the northern and western boundaries. |

REPORT TO COUNCIL

REPORT OF: **Leader of the Council**

REPORT NO: **CAB017**

DATE: **7 November**

| | | |
|---|--|----------------------------------|
| TITLE: | Report on Urgent Decisions | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Mrs Linda Neal (Leader of the Council) Portfolio: Policy, Strategy and Strategic Partnerships | |
| CONTACT OFFICER: | Lucy Youles – Head of Legal and Democratic Services Telephone: 01476 40 61 05 E-mail: l.youles@southkesteven.gov.uk | |
| INITIAL IMPACT ANALYSIS: | Carried out and Referred to in paragraph (7) below | Full impact assessment Required: |
| Equality and Diversity | | |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council’s website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | The Council’s Constitution – Part 4, article 17.3 (pg 158) http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=11978 Report number LDS109 http://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?ID=775 | |

1. RECOMMENDATIONS

- 1.1 That the Council notes the report

2. PURPOSE OF THE REPORT

- 2.1 In accordance with Part 5, Section 19 of the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader of the Council is required to submit quarterly reports to the Council on executive decisions taken under the special urgency provisions. The report should include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken. The Leader must submit at least one report annually to the Council.

3. DETAILS OF REPORT

- 3.1 Since the last report was brought to Council on 12 September 2013, one key decision has been taken under urgency provisions.
- 3.2 An urgent key decision was made on Thursday 17 October by the Strategic Resources – Well Run Council Portfolio Holder. The decision was *“that, subject to the agreement of a 60:40 (District: County) distribution formula, the South Kesteven District Council agrees to enter a Lincolnshire “pool” for 2014/15 with an allocations/distribution methodology as laid out in section 4 of report LDS109 and that North Kesteven be accepted as the designated ‘pool Lead Authority’ for 2014/15.”*
- 3.3 The reasons for decision are included in report number LDS109.
- 3.4 The decision was taken under urgency provisions because the proposal to pool had to be put to the Department of Communities and Local Government before the deadline of 31 October 2013.

4. OTHER OPTIONS CONSIDERED

- 4.1 This is a statutorily required report.

5. RESOURCE IMPLICATIONS

- 5.1 There are no resource implications arising from this report.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and no high risks were identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 Not applicable, this is a statutory report providing a summary of past activity.

8. CRIME AND DISORDER IMPLICATIONS

8.1 None.

9. COMMENTS OF FINANCIAL SERVICES

9.1 There are no financial implications as a result of this report. Financial comments relating to the decision are detailed in report number LDS109.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 To comply with the Local Authority (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Council's Constitution, the Leader is required to make regular reports to Council on decisions taken using urgency provisions.

REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –
COUNCILLOR RAY WOOTTEN**

REPORT NO: LDS0110

DATE: 7th November 2013

| | | |
|---|--|--------------------------------------|
| TITLE: | Recommendations from the Constitution Committee - 23rd September 2013 | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | n/a | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Paul Carpenter – Portfolio Holder for Governance and Communication | |
| CONTACT OFFICER: | Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105 | |
| INITIAL IMPACT ASSESSMENT: | Carried out and appended to the report: n/a | Full impact assessment Required: n/a |
| Equality and Diversity | | |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | The Council's Constitution http://www.southkesteven.gov.uk/index.aspx?articleid=1974 | |

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 23rd September 2013 as follows:

- 1.1 Note the amendment in the wording of the policy framework documents at Article 4 of the Constitution to refer to the pay policy statement not the pay policy**

- 1.2 That the scheme of delegation to officers be amended to include the delegation of functions relating to the Scrap Metal Dealers Act 2013 as follows:

| Function: | Delegated to: |
|--|--|
| Fee setting | The S151 Chief Finance Officer in consultation with the relevant portfolio holder. |
| Administration & Enforcement of the Scrap Metal Dealers Act 2013 – including powers to enter and inspect premises (Section 16) and serve Notices under Schedule 1, Section 7 (proposals to refuse, revoke or vary licences). | Operations Director or anyone authorised by them in writing |
| Grant of a site or collectors licence with or without conditions. | Operations Director or anyone authorised by them in writing |
| Refusal, revocation or variation of a site or collectors licence. | Operations Director or anyone authorised by them in writing |
| .Power to determine requests for an oral hearing following refusal, revocation or variation of a site or collectors licence | Licensing Committee |
| Power to make closure order | Licensing Committee |

- 1.3 That the Articles 1,18 and 19 be amalgamated to form Article 1 of the Constitution to read as follows:

ARTICLE 1 - THE CONSTITUTION

- 1.1 Powers of the Council
The Council will exercise all its powers and duties in accordance with the law and this Constitution.
- 1.2 The Constitution
This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document. The Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules which Councillors and officers are to abide.
- 1.3 Purpose of the Constitution
The purpose of this Constitution is to ensure:
- i) The Council provides community leadership, involving citizens in the democratic process,
 - ii) Councillors are assisted in effective representation,
 - iii) Decisions are taken efficiently and effectively, (providing reasons and permitting independent scrutiny) holding decision makers to account publicly,
 - iv) Improvement in the delivery of services.
- 1.4 Interpretation of the Constitution
This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.
- 1.5 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.6 Protocol for monitoring and review of the Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out above. In undertaking this task the Monitoring Officer will have regard to any legislative changes affecting the Constitution and may:-

- i) Observe meetings of different parts of the member and officer structure;
- ii) Undertake an audit trail of a sample of decisions;
- iii) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

1.7 Changes to the Constitution

- i) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee
This excludes changes which are statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.
- ii) Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council

1.8 Suspension of the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) Procedure to suspend

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution as at Article 1.3.

(c) Rules capable of suspension

The following Rules may be suspended:

All of the Council Rules of Procedure except Rule 16.5 and 19.2.

1.9 Interpretation of Suspension

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as at Article 1.3.

1.10 Publication of the Constitution

- i) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

- ii) The Monitoring Officer will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- iii) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area, is published on the Council's website and is updated as necessary.

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 23rd September 2013 to Council for approval. The reports made to the Constitution Committee and minutes of the Constitution Committee meeting of the 23rd September are attached to this report at the Appendix for information.

3. DETAILS OF REPORT

- 3.1** The details of the recommendation and the reasons for the recommendation are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.
- 3.2** The Scrap Metal Dealers Act 2013 was enacted on the 1st October 2013. The Act requires local authorities to enforce the provisions of the Act. This will require the appropriate delegation of functions to officers and the Licensing Committee. The delegations recommended by the Constitution Committee are set out at clause 1.2 above. Officer delegations are proposed to the Operations Director. This post now carries out the functions of the Head of Environmental Health and will replace reference to the Head of Environmental Health in the scheme of delegations.
- 3.3** The ongoing review of the Constitution has identified parts of the Constitution which can be amalgamated in one place. Part of the summary, articles 1, 18 and 19 all contain information relating to the constitution and its use. This information has been consolidated to avoid repetition and produced as a new Article 1.
- 3.4** In addition, the Constitution Committee considered a new simplified format for recording officer delegations as detailed in the Appendix to this report

4. OTHER OPTIONS CONSIDERED

No other options are proposed.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the recommendation.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

| Category Risk | Action / Controls |
|---------------------------------|---|
| Non-compliance with legislation | Adoption of an appropriate scheme of delegation to officers to enable functions to be carried out in accordance with legislation. |
| | |

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

10. COMMENTS OF FINANCE SECTION

There are no financial implications resulting from this report.

11. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES

The proposed amendments are required to ensure the Council is able to carry out its functions and the content of the Constitution is relevant and up to date.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None relevant

13. APPENDIX

Reports to Constitution Committee – 23rd September 2013
Minutes of Constitution Committee meeting –23rd September 2013

AGENDA



| |
|---|
| For a meeting of the |
| CONSTITUTION COMMITTEE |
| to be held on |
| MONDAY, 23 SEPTEMBER 2013 |
| at |
| 10.30 AM |
| in the |
| WITHAM ROOM, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ |
| Beverly Agass, Chief Executive |

| | |
|----------------------------|--|
| Committee Members: | Councillor Ray Auger, Councillor Vic Kerr, Councillor Alan Parkin (Vice-Chairman), Councillor Rob Shorrock and Councillor Raymond Wootten (Chairman) |
| Committee Support Officer: | Lucy Bonshor (01476) 40 61 20 l.bonshor@southkesteven.gov.uk |

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Committee to be notified of any substitute members.

2. APOLOGIES

3. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 8TH JULY 2013

(Enclosure)

5. AMENDMENTS TO THE CONSTITUTION

Amendments to the Scheme of Delegation Scrap Metal Dealers Act 2013 Report ENV592 by the Head of Environmental Services.

(Enclosure)

6. CONSTITUTION REVIEW

- CONSTITUTION REVIEW – Articles 1 and 18 report LDS106 from the Head of Legal & Democratic Services.

(Enclosure)

- CONSTITUTION REVIEW – Scheme of Delegation report LDS107 from the Head of Legal & Democratic Services.

(Enclosure)

7. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 8 JULY 2013



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Vic Kerr

Councillor Alan Parkin (Vice-Chairman)
Councillor Raymond Wooten (Chairman)

OFFICERS

Head of Legal and Democratic Services/Monitoring Officer (Lucy Youles)
Democratic Officer (Lucy Bonshor)

25. DISCLOSURE OF INTERESTS

None disclosed.

26. MINUTES OF THE MEETING HELD ON 15TH APRIL 2013

The minutes of meeting were agreed as a correct record of the decisions and recommendations made subject to Councillor Adams Stokes apologies being noted as received after the meeting took place.

27. CORPORATE GOVERNANCE - INTERNAL AUDIT REPORT

Decision

To note the Internal Audit Report.

Members had been circulated with a report that had been produced by the Council's internal auditors, RSM Tenon, on the Council's Constitution. The report made two recommendations. The first related to getting documentary evidence as to who owned copies of the Constitution and confirmation that amendments were being incorporated by Members and officers. The second related to notification of amendments required. The Head of Legal and Democratic Services stated that when amendments were made, Members were relied upon to insert those amendments accurately and that officers were required to collect the amendments and accurately update their copies of the Constitution. A process would be put in place to ascertain who held copies of the Constitution and therefore required updates when they were available. A

letter was circulated with each update informing Members of the pages to amend and any difficulties to contact the Section. An electronic copy of the Constitution was available on the Intranet and the Internet. It was suggested that perhaps Members could acknowledge receipt of their updates either by e-mail or by letter when they were circulated.

➤ **Action Note**

When the next updates are circulated include a paragraph re acknowledgement of receipt.

The Head of Legal and Democratic Services then referred to another audit that had been done in relation to Members Interests which had brought up references to the Standards Committee still contained within the Constitution. Although most of the changes had been made when the Standards regime had been changed, some had been missed which had been addressed.

28. CONSTITUTION REVIEW

Proposed Timetable for Review

Decision:

To agree and note the timetable for the Review.

The Head of Legal and Democratic Services referred to the last meeting of the Committee where an outline for proposals for change to the Constitution had been discussed. The report before Members proposed a timetable and the work planned at meetings over the next months.

- 8th July 2013 – Review of Article 4.1 and consideration of Article 18.
- 23rd September 2013 – Review of scheme of delegation to officers and creation of a section on officer information. Clarification on rules of voting for appointments and rules of substitution.
- 16th December 2013 – Review and simplification of executive and policy development procedure rules and creation of a section on Member information.
- 24th March 2014 – Review and simplification of budget and policy framework procedure rules.
- 17th April 2014 – Presentation to Council of revised Constitution

By way of example of the types of work to be reviewed, the Head of Legal and Democratic Services referred to the Scheme of Delegation and the delegation given to officers. It was right that delegations were well controlled however; they should not prevent officers from carrying out their work in a timely manner. She referred to planning enforcements as an example of how some delegations

affected how quickly things could be dealt with. Enforcements had to go before Development Control Committees to be agreed which could slow the process down due to when the committees were held. She also referred to the procedure rules. The rules of procedure at full Council did not always apply to other committees. The Constitution Committee should consider different rules for the other committees.

Members agreed with the proposed timetable and the work required. The Chairman asked about budget and it was confirmed that it was proposed that the work on the review would now be carried out within existing resources.

Constitution Review – Article 4 – Meaning of Policy Framework

Decision:

The Constitution Committee recommends to Council the adoption of an updated Article 4.1 of the Constitution as follows:

4.1 Meanings

Policy Framework_

The policy framework means the plans and strategies required to be adopted by the Council:

- ***The Corporate Plan***
- ***The Medium Term Financial Strategy***
- ***The Local Plan currently consisting of the Core Strategy and Development Plan Documents***
- ***The Sustainable Communities Strategy***
- ***The Pay Policy***
- ***The Gambling Statement of Licensing Principles***

Report LDS097 proposed a change to Article 4 of the Constitution updating the policy framework documents which must be adopted by full Council, The current list shown in the Constitution should be updated to include up to date references to relevant documents. The Head of Legal and Democratic Services went through the revised list of documents as detailed in the report. She had been advised that The Core Strategy and the Development Plan Documents were now referred to as the Local Plan. As the Council but for continuity felt that reference to these documents needed to be made. The Community Strategy had been replaced by the requirement for a Sustainable Community Strategy by virtue of an amendment to the Local Government Act 2000. This document was held by Lincolnshire County Council and the District Council had a chapter contained within the document. The Pay Policy was dealt with as part of the budget process and the Gambling Statement of Licensing Principles was brought before Council on a five year cycle. Members agreed that both the Core Strategy and the Development Plan

Documents should be referred to and it was proposed, seconded and agreed that the documents be listed as per the report subject to the reference to the Core Strategy and Development Plan Documents which should read:

- Local Plan which currently consists of the Core Strategy and Development Plan Documents.

Consideration of Article 18 – Review and Revision of the Constitution

Members were asked to consider Article 18 and whether or not, as worded, it provided any assistance to the process of review.

It was agreed, by having a Constitution Committee, recommendations could be made to Council with issues being debated without taking up time at a Council meeting. The Committee was political balanced so each group was represented. The Governance and Audit Committee had previously been used for this purpose, however, it was felt that the time and the depth of knowledge required to debate audit issues, did not give sufficient time for proper debate on constitutional issues.

As part of the review of the Constitution, it was proposed that Members consider article 18 and how the process of amendment and review could be improved. Should all matters of change, including matters of fact or record go before the Committee for recommendation or could delegated authority be granted.

Members of the Committee were asked to consider the terms of Article 18 and for them to feedback and suggestions/changes they had with regard to this or any part of the Constitution by 1st September 2013.

29. CLOSE OF MEETING

The meeting closed at 10.59am.

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: Head of Environmental Services

REPORT NO: ENV592

DATE: 26 September 2013

| | | |
|---|---|----------------------------------|
| TITLE: | Scrap Metal Dealers Act 2013 | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Amendment to the Constitution to enable delegated authority for the implementation of the Scrap Metal Dealers Act 2013 | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor John Smith Portfolio Holder: Healthy Environment | |
| CONTACT OFFICER: | Mike Butler, Head of Environmental Services Tel: 01476 40 63 44 E-mail: m.butler@southkesteven.gov.uk Pete Rogers, Team Leader, Environmental Protection Tel: 01476 40 63 27 E-mail: p.rogers@southkesteven.gov.uk | |
| INITIAL IMPACT ANALYSIS: | Carried out and Referred to in paragraph (7) below | Full impact assessment Required: |
| Equality and Diversity | Amendments are mandated by Statute. | Not applicable. |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | Scrap Metal Dealers Act 2013: http://www.legislation.gov.uk/ukpga/2013/10/enacted | |

1. RECOMMENDATION

- 1.1 That the Constitution Committee recommends the Cabinet endorses the scheme of delegation set out in appendix 2 of this report for Council to adopt as an amendment to the Constitution.**

2. PURPOSE OF THE REPORT

- 2.1 This report outlines the details of the Scrap Metal Dealers Act 2013 including proposals for implementation and recommendations for delegations.

3. DETAILS OF REPORT

- 3.1 The increased cost of metal world-wide has resulted in an increase in metal theft across the UK. Police believe that the scrap metal industry offers the principal outlet for stolen metal in the UK.

- 3.2 The Scrap Metal Dealers Act 2013 comes in to force in October this year. It repeals and replaces the Scrap Metal Dealers Act 1964 and those parts of the Vehicles (Crime) Act 2001 that deal with Motor Salvage Operators.

- 3.3 The Act revises the regulatory regimes for scrap metal dealing and vehicle dismantling, giving Local Authorities more powers including powers to refuse and revoke licences and to enter and inspect premises.

- 3.4 In order for anyone to carry on in business as a scrap metal dealer they will have to have a licence which will last for three years. Unlicensed trading is a criminal offence.

- 3.5 Local Authorities have to make provision for the issue, administration and enforcement of scrap metal dealers' licences. This includes provisions to deal with any contested applications as well as setting fees.

- 3.6 The current framing of the legislation requires the whole process to fall to the Executive of the Authority. The Council needs to take action now to make sure that the proposals detailed in the main report are considered and adopted correctly in time to receive the first applications in October.

4. OTHER OPTIONS CONSIDERED

- 4.1 Officers had hoped to recommend adoption of an alternative scheme of delegation through the Licensing Committee of South Kesteven District Council, as it already has structures in place to provide a democratic forum to deal with contested applications and to oversee any dealings with problem premises. However the Home office has not yet legislated for this, and indeed may not do so. This proposal is obligated by the Home Office policy and the construction of the new Act. It meets the requirements of the legislation in the required timescales.

5. RESOURCE IMPLICATIONS

- 5.1 There will be an increase in workload for the Environmental Protection teams in undertaking scheduled compliance visits, together with the implications of ad-hoc enforcement work done in partnership with other agencies.
- 5.2 Licence fees can be set that will be based on cost recovery, including some checks of compliance. There will be an increase in income because the current legislation only allows for a partial cost recovery.

6. RISK AND MITIGATION

Risk has been considered as part of this report. No serious risks were identified. The Council has a statutory duty to adopt the provisions of the Scrap Metal Act 2013.

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 No equality analysis is required. The proposed changes reflect new national government legislation.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 The new legislation has been introduced to reduce metal theft and reduce Crime and disorder.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 Financial Services comments are incorporated within the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Scrap Metal Dealers Act 2013 replaces the Scrap Metal Dealers Act 1964 and provides a revised regulatory regime for scrap metal dealing. The Act has a phased introduction. The recommendation in the report will enable the Council to meet its duties as the Act is implemented.
- 10.2 At the time of writing, local authorities are awaiting clarification of the classification of this licensing function. The functions within the Act are likely to be non-executive functions of full council and authority from the full council is needed to delegate powers to officers to enable the council to respond appropriately under the new regime.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 None.

12. APPENDICES:

- Appendix 1: summary of Scrap Metal Dealers Act 2013
- Appendix 2: proposed scheme of delegations

Appendix 1

1. Scrap Metal dealers Act 2013: SYNOPSIS

The Scrap Metal Dealers Act 2013 (the Act) was passed on 28 February 2013 and is due to come in to force in October this year. The new Act replaces the Scrap Metal Dealers Act 1964 and those parts of the Vehicles (Crime) Act 2001 that deal with Motor Salvage Operators.

The Act has revised the regulatory regimes for scrap metal dealing and vehicle dismantling. Local Authorities will continue to act as the principle regulator but the new act will give the authorities more powers including the new powers of refusal and revocation of licences if the dealer is considered unsuitable. In addition local authorities and Police have been given powers to enter and inspect premises. In order for anyone to carry on in business as a scrap metal dealer they will have to have a licence. Licences will last for three years. Trading without a licence is a criminal offence.

2. Background

The increased cost of metal world-wide has resulted in an increase in metal theft across the UK. The cost to the UK economy is between £220 million and £777 million a year according to two recent estimates. A wide range of sectors have been hit including national transport, electricity and telephone links, street furniture, and commercial and residential buildings including schools. Churches and war memorials have been desecrated. Police believe that the scrap metal industry offers the principal outlet for stolen metal in the UK.

The Government introduced initial changes in 2012 that took steps to prohibit cash payments for scrap metal and increase the existing financial penalties for offences under the Scrap Metal Dealers Act 1964.

The key features of the new Act include:

- Locally set licence fees.
- Suitability test.
- Revocation powers.
- Entry and inspection powers.
- Licence conditions supported by legislation.
- Closure powers for unlicensed sites.
- Requirement to display licences and identity badges.
- National register of licensed dealers.

3. How it Works

Two types of licence are specified within the Act:

Site licence.

- All the sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named

for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

Collector's Licence.

- This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence also does not authorise the licensee to operate a site. To do so they will need a site licence from the relevant local authority.

It should be noted that a dealer can only hold one type of licence in any one local authority area. They have to decide whether they are going to have a site or a mobile licence in any one area. They cannot hold both a site and mobile collector's licence from the same council but can hold a licence in more than one Local Authority.

The Act completely replaces the previous registration scheme local authorities operated for scrap metal dealers. Local government will now be responsible for the licensing of scrap metal dealers and ensuring compliance with the licensing regime in partnership with the police.

Local Authorities have to make provision for the issuing of scrap metal dealers' licences. South Kesteven District Council currently has 34 businesses recorded as scrap metal dealers and/or motor salvage operators. Home Office advice is to double this figure when planning implementation to allow for itinerant traders.

Appropriate procedures are required for considering applications and deciding whether an applicant is a suitable person to carry on business as a scrap metal dealer. No method of deciding licensing applications is set out in the Act, so an appropriate scheme of delegation will be required.

As part of the process by which an applicant's suitability is assessed they must submit a standard criminal record disclosure with their application. The local authority can also have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence.
- Whether the applicant or any site manager has been the subject of any relevant enforcement action.
- Any previous refusal for issue or renewal of a Scrap Metal Licence.
- Any previous refusal for an environmental permit or registration.
- Any previous revocation of a Scrap Metal Licence.
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

Once an application has been received the Local Authority must consult with:

- Any other local authority (if an application has been made or licence issued to the same applicant);
- The Environment Agency;
- The Police.

Draft application forms have been prepared but are still subject to amendment and revision by the Home Office.

We are obliged to ensure that any licences issued are placed on the national register of licences maintained by the Environment Agency or Natural Resources Wales. We do not, as yet, have any information from the Home Office about how this process will work.

The new record keeping regime includes the requirement for dealers to verify the identity including the full name and address of the metal supplier and keep copies of proof of identification. In addition the dealer must keep records of the type and description of the metal, including weight and identifying marks, the date and time of receipt, the registration number of any vehicle delivering the metal, how the metal was disposed of and copies of any cheques used to pay for metal. All records must be kept for 3 years. The Act prohibits the payment of cash for metals.

4. Transitional Arrangements

The transitional arrangements were agreed by the Home Office on 8th August as follows:

- Local Authority power to set fees from **1 September**.
- All scrap metal dealers can apply for a scrap metal dealers licence from **1 October**.
- A scrap metal dealer who is currently registered under the Scrap Metal Dealers Act 1964 or Vehicles (Crime) Act 2001 needs to submit an application on or by **15 October** and will be deemed to have a temporary licence which is valid until a licence decision is issued.
- It is recommended that a formal licence decision is issued by local authorities by **1 December**.
- Local authorities will complete checks to assess applicants' suitability to hold a licence between 15 October and **1 December**.
- Formal decision and issue of licence, if appropriate, on **1 December**.
- If a registered scrap metal dealer does not submit an application on or by 15 October their deemed licence will lapse on 16 October. A deemed temporary licence which has lapsed does not give rise to a right to appeal. The dealer must submit an application and wait for a licence to be issued before they can trade legally.

- A local authority can impose conditions on a deemed temporary licence pending an appeal for the refusal of a licence.
- Scrap metal dealers who are not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 can apply for a licence from 1 October but must wait for a licence to be issued before they can trade legally.
- The offence of buying scrap metal for cash will come into force on **1 October**.
- Local authority officers and police officers will have the right to enter and inspect premises from **1 October**.
- The majority of the other enforcement provisions within the Act will come into force on **1 December**.

5. Fees

Local authorities can charge fees for the issuing of licences, and must have regard to the guidance issued by the Home Office on 12 August. Any initial fee set will be reviewed during the first year of the new licensing regime and amended if appropriate.

The Provision of Services Regulations 2009: Regulation 18 (4) states that –

Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

In addition recent case law (R (Hemming and Others) v Westminster City Council 2012) has highlighted the aspects of the licensing regime that can legally be recovered in charges that are levied by Licensing Authorities. In brief summary, the case established the important principles:

*“that where a Council profits from licence fees in that its expenditure is exceeded by its fee income, it must carry the surplus forward in determining the fee for future years;
that in authorisation schemes covered by the Provision of Services Regulations, enforcement costs may not be recharged to licensed operators.”*

All licence fees are reviewed annually to ensure cost recovery and compliance with the above legislation and principles as far as possible.

The proposals for application fees have not yet been finalised. It is recommended that fees set in South Kesteven should be made in reference to other Lincolnshire Authorities, which are currently being decided. It is recommended that a further report will be submitted to Cabinet with fee proposals.

Appendix 2

Scrap Metal Dealers Act 2013 – Scheme of Delegations

Delegations

Given the provisions in the Act for relevant persons to make representations in certain circumstances your officers consider it appropriate that applications which officers are minded to refuse, as well as cases where revocation or variation of the licence is being considered, ought to be heard by the Licensing Committee.

It is unfortunate that the current framing of the legislation precludes this as an option and instead requires the whole process to fall to the Executive of the Authority. We expect this anomaly to be clarified when further regulations are published sometime in October, but the Council needs to take action now to make sure that the delegated authority has been approved

| Function: | Delegated to: |
|--|--|
| Fee setting | The S151 Chief Finance Officer in consultation with the relevant portfolio holder. |
| Administration & Enforcement of the Act – including powers to enter an inspect premises (Section 16) and serve Notices under Schedule 1, Section 7 (proposals to refuse, revoke or vary licences). | Operations Director or anyone authorised by them in writing |
| Grant of a site or collectors licence without conditions. | Operations Director or anyone authorised by them in writing |
| Grant of a site or collectors licence with conditions. | Operations Director or anyone authorised by them in writing |
| Refusal, revocation or variation of a site or collectors licence. | Operations Director or anyone authorised by them in writing |
| Power to make closure order | Licensing Committee |

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS106

DATE: 23rd SEPTEMBER 2013

| | | |
|---|---|--|
| TITLE: | CONSTITUTION REVIEW – Article 1 and 18 | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Not applicable | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Paul Carpenter – Portfolio Holder for Governance and Communication | |
| CONTACT OFFICER: | Lucy Youles Head of Legal and Democratic Services l.youles@southkesteven.gov.uk Tel:01476 406105 | |
| INITIAL IMPACT ANALYSIS: Equality and Diversity | Carried out and Referred to in paragraph (7) below Not applicable | Full impact assessment Required: Not applicable |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | The Constitution | |

1. RECOMMENDATIONS

It is recommended the Constitution Committee consider the proposed changes to the Constitution to amend and amalgamate Articles 1 and 18 as detailed at the Appendix to this report and recommend to Council to approve the proposed changes.

2. PURPOSE OF THE REPORT

The purpose of the report is to inform the Constitution Committee of the proposed changes to the Constitution and to make a recommendation to Council to approve the proposed changes.

3. DETAILS OF REPORT

3.1 The Constitution, as written, includes:

- Article 1 – The Constitution,
- Article 18 – Review and Revision of the Constitution.

3.2 The proposal for change combines the two articles to create one relating to the Constitution. The purpose of the Constitution has been expressed in the proposed article taking wording which is currently in the introduction of the Constitution.

3.3 Article 18 has been reviewed and incorporated into article 1 to provide one article.

4. OTHER OPTIONS CONSIDERED

No other options have been considered in respect of these amendments.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the proposals.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

| Category Risk | Action / Controls |
|----------------------|-------------------|
| No significant risks | |
| | |

7. ISSUES ARISING FROM IMPACT ANALYSIS

Equality impact analysis not required

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications relating to the amendments.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

There are no legal or democratic implications relating to the proposed amendments.

11. COMMENTS OF OTHER RELEVANT SERVICES

None relevant

Appendix - Proposed Article 1 of the Constitution.

Key: **Yellow highlight** information from elsewhere within SK's Constitution
Turquoise highlight additional wording from other authorities Constitution
Pink highlight additional wording added – confirmation required to change???
Crossed out information has been used (yellow highlighted bits)

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document. **The Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules to which Councillors and officers are to abide.**(18.4)

1.3 Purpose of the Constitution

The purpose of this Constitution is to ensure:

- **the Council provides community leadership, involving citizens in the democratic process,**
- **Councillors are assisted in effective representation,**
- **Decisions are taken efficiently and effectively, (providing reasons and permitting independent scrutiny) holding decision makers to account publicly,**
- **Improvement in the delivery of services** (THIS IS FROM PAGE 31 IN THE LILAC SECTION).

1.4 Interpretation ~~and Review~~ of the Constitution

This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.

1.518.1 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.618.2 Protocol for monitoring and review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out **above**. In undertaking this task the Monitoring Officer **will have regard to any legislative changes affecting the Constitution and may:-**

- (i) Observe meetings of different parts of the member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;

Key: **Yellow highlight** information from elsewhere within SK's Constitution
Turquoise highlight additional wording from other authorities Constitution
Pink highlight additional wording added – confirmation required to change???

Crossed out information has been used (yellow highlighted bits)

- (iii) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

1.718.3 Changes to the Constitution

- i) Parts of the Constitution are statements of factual matters relating to the Council such as member and officer details. Changes may occur from time to time by virtue of Council decisions or decisions made by the Leader and/or Cabinet Members. Such changes may be made to the Constitution by the Monitoring Officer without reference to the Constitution Committee or Council for decision.
- ii) All other changes to the Constitution must be approved by the full Council following consideration of reports presented to the Constitution Committee and recommendation by the Constitution Committee to full Council.

~~18.1 Duty to monitor and review the constitution~~

~~The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.~~

~~18.2 Protocol for monitoring and review of constitution by Monitoring Officer~~

~~A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:-~~

- ~~(i) Observe meetings of different parts of the member and officer structure;~~
- ~~(ii) Undertake an audit trail of a sample of decisions;~~
- ~~(iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and~~
- ~~(iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.~~

18.3 Changes to the Constitution

- (i) Constitutional changes may be prompted not only from internal reviews and evaluation of their governance, but also from changes in public opinion.**
- ~~(ii) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee.~~

Key: **Yellow highlight** information from elsewhere within SK's Constitution
Turquoise highlight additional wording from other authorities Constitution
Pink highlight additional wording added – confirmation required to change???

(iii) The Council has adopted a protocol on changes to the Constitution which is set out below

18.4 Protocol for Changes to the Council's Constitution

~~The Council's Constitution is a statutory document which sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules to which Councillors and officers are to abide.~~

~~Parts of the Constitution are merely statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.~~

~~Other parts reflect the decisions of the Leader and Cabinet, e.g. as to its size and portfolios of responsibility. Such amendments will simply be made to record these.~~

~~Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council.~~

~~Article 18 of the Constitution provides for its amendment by Council to be the subject of consideration by the Constitution Committee. Such reports are likely to result from the reviews and evaluation detailed in Article 18.~~

~~Specifically, the provisions of the Constitution considered to be able to be the subject of Constitution~~

~~Committee recommendations to Council to effect any amendments are:~~

~~Part 2
Articles 2,6,8,9, 11,13,14, 15,16,17, 18 and 19 (Article 10 deleted)~~

~~Part 4 (all)~~

~~Part 5 (all)~~

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

REPORT NO: LDS107

DATE: 23rd SEPTEMBER 2013

| | | |
|---|---|--|
| TITLE: | CONSTITUTION REVIEW – SCHEME OF DELEGATION | |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | Not applicable | |
| PORTFOLIO HOLDER: NAME AND DESIGNATION: | Councillor Paul Carpenter – Portfolio Holder for Governance & Communication | |
| CONTACT OFFICER: | Lucy Youles Head of Legal and Democratic Services l.youles@southkesteven.gov.uk Tel:01476 406105 | |
| INITIAL IMPACT ANALYSIS: Equality and Diversity | Carried out and Referred to in paragraph (7) below Not applicable | Full impact assessment Required: Not applicable |
| FREEDOM OF INFORMATION ACT: | This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk | |
| BACKGROUND PAPERS | The Constitution | |

1. RECOMMENDATIONS

It is recommended the Constitution Committee consider the proposed changes to the Scheme of Delegation to officers as detailed at the Appendix to this report and approve for consultation with officers.

2. PURPOSE OF THE REPORT

The purpose of the report is to inform the Constitution Committee of the proposed changes to the Constitution and to obtain approval for consultation.

3. DETAILS OF REPORT

3.1 The Scheme of Delegation to officers is detailed at part 3 (green) of the Constitution. The Scheme currently runs to 26 pages. The changes proposed provide a more streamlined scheme which should be more user friendly. The Scheme, as currently written, is separate from the functions of officers set out in Article 15 of the Constitution. The proposal would be to amalgamate the scheme and functions as one article relating to officers of the Council.

3.2 The proposed scheme will list the Proper Officers authorised to act for the purposes of the delegated functions and those authorised to act in the absence of the Proper Officer. General delegated authorities will be grouped as delegated authority to all those appointed as chief executive, strategic director, head of service and service manager Specific authorities will then be presented as shown in the table detailed in the Appendix.

3.3 It is proposed that Members consider the proposals and confirm approval/changes to allow full consultation with officers before submitting to Council for approval.

4. OTHER OPTIONS CONSIDERED

No other options have been considered in respect of these amendments.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the proposals.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

| Category Risk | Action / Controls |
|----------------------|-------------------|
| No significant risks | |
| | |

7. ISSUES ARISING FROM IMPACT ANALYSIS

Equality impact analysis not required

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications

9. COMMENTS OF FINANCIAL SERVICES

There are no financial implications relating to the amendments.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

There are no legal or democratic implications relating to the proposed amendments.

11. COMMENTS OF OTHER RELEVANT SERVICES

None relevant

Appendix - Proposed Scheme of Delegation to Officers.

LIST OF POWERS DELEGATED TO OFFICERS

| Chief Executive, Heads of Service, Service Managers | |
|--|--|
| 1. | <p>To manage the services for which they are responsible:-</p> <ul style="list-style-type: none"> i) In accordance with any policy decisions made by, or guidelines issued by, the Council; ii) Within the budgets made or approved by the Council; iii) In compliance with all standing orders, codes of practice, financial regulations or instructions approved or adopted by the Council. |
| 2. | <p>To take such decisions or actions as they are required or authorised to take:-</p> <ul style="list-style-type: none"> i) Under standing orders adopted by the Council, and ii) As proper officers of the Council (as defined in Section 270(3) of the Local Government Act 1972). |
| 3. | <p>To accept tenders and award contracts to contractors on behalf of the Council in the following circumstances:-^{01/08}</p> <ul style="list-style-type: none"> i) Following a tender process strictly in accordance with the Council's Contract Procedure Rules and Financial Regulations; ii) For the carrying out of works and/or the provision of goods and/or services; and iii) Which are to be awarded on the basis of lowest possible price. |

CHIEF EXECUTIVE (Head of Paid Service)

Designation – Chief Executive

| | Act | Statutory Function |
|------|---|--|
| 1sf. | Section 4 Local Government and Housing Act 1989 | Head of Paid Service |
| 2sf. | Section 8 Representation of the Peoples Act 1983 | Electoral Registration Officer |
| 3sf. | Section 35 Representation of the Peoples Act 1983 | Returning Officer at district and parish elections |

- a) All functions as Head of Paid Service, including the overall corporate management and operational responsibility including management responsibility for all officers and approval of operational human resources and organisational development policies, working procedures, protocols. The Head of Paid Service may delegate such approvals to the management team.^{06/09}

- b) Provision of professional advice to all parties in the decision making process.
- c) Representing the Council on partnership and external bodies (as required by statute or Council).
- d) Community planning
- e) Responsibility for maintaining and updating the scheme of delegation to officers.
- f) To authorise officers in appropriate posts who are suitably trained and qualified to carry out the delegations where authorised posts become vacant or cease to exist and to authorise the changes in the Constitution to bring into effect the changes to the scheme of delegation.^{01/10}
- g) To authorise the Head of Paid Service (or deputy) to grant dispensation in respect of any conflict of interest of any Member of the Cabinet declared at meetings of the Cabinet.^{10/12}
- h) The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
- i) The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- j) The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

Proper Officer Function – Chief Executive

| | Act | Proper Officer Function |
|------|--|---|
| 1pf. | Section 13 Local Government and Housing Act 1972 | To act as parish trustee |
| 2pf. | Section 83 Local Government Act 1972 | Declaration of acceptance of office. |
| 3pf. | Section 84 Local Government Act 1972 | Delivery of resignation from office. |
| 4pf. | Section 88 Local Government Act 1972 | Summoning Council meeting to fill casual vacancy for office of Chairman. |
| 5pf. | Section 89 Local Government Act 1972 | Receipt of notice of casual vacancy. |
| 6pf. | Section 16 Electoral Administration Act 2006 | As Returning Officer for South Kesteven has delegated authority in consultation with Ward Councillors to determine Polling Places. ^{01/10} |
| 7pf. | Local Government Act 1972 | Signature of documents |
| 8pf. | Section 2(4) Local Government and Housing Act 1989 | Politically restricted posts |

| | Act | Proper Officer Function |
|---|--|--|
| 9pf. | Section 116 Local Government Finance Act 1988 | Duty to notify auditor or meetings to consider statutory reports. |
| 10pf. | Section 210 Local Government Act 1972 | Functions in relation to charities. |
| 11pf. | Section 225 Local Government Act 1972 | Deposit of documents. |
| 12pf. | Section 238 Local Government Act 1972 | Certification of byelaws. |
| 13pf. | Local Government Act 1972 Schedule 12 paragraph 4(2) | Signing summonses to Council meeting |
| 14pf. | Local Government Act 1972 Schedule 12 paragraph 4(3) | Address to which summonses are to be sent. |
| 15pf. | Section 115 Local Government Act 1972 | Receipt of monies from officers. |
| 16pf. | Section 146 Local Government Act 1972 | Transfer of securities on alteration of name or area |
| 17pf. | | Proper Officer of the Council in relation to any matter or function which is not otherwise catered for in the lists or by later resolution of the Council. |
| | Without prejudice to the specific appointments as proper officers set out in the lists of Proper Officer functions, the Chief Executive, the Development Management Services Manager and Heads of Service are proper officers of the Council in relation to any matters (including, but not limited to, matters referred to in Section 234 of the Local Government Act 1972) which fall either by specific resolution of the Council or by custom or practice within their responsibilities. | |
| Proper Officer Function | | A proper officer shall nominate in writing another Officer of the Council to act as proper officer in his/her stead in the event that he/she is at any time absent or unable to act as such proper officer |
| <u>LOCAL GOVERNMENT ACT 1972</u> | | The Chief Executive, and any officer of the Council so authorised by him/her in writing, may prosecute, defend or appear in any proceedings under Sections 222 and 223 of the Local Government Act 1972. |

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 23 SEPTEMBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Vic Kerr
Councillor Alan Parkin (Vice-Chairman)
Councillor Rob Shorrocks
Councillor Raymond Wootten (Chairman)

OFFICERS

Operations Director (Ian Yates)
Head of Legal & Democratic Services (Lucy Youles)
Democratic Officer (Lucy Bonshor)

30. DISCLOSURE OF INTERESTS

None disclosed.

31. MINUTES OF THE MEETING HELD ON 8TH JULY 2013

The minutes of the meeting held on 8th July 2013 were agreed as a correct record of the decisions taken subject to the following correction:

Page 3 point 4.1, The Pay Policy to be changed to The Pay Policy Statement

32. AMENDMENTS TO THE CONSTITUTION

Recommendation

The Constitution Committee recommends to Council that the scheme of delegation set out in appendix 2 to report ENV592 is adopted as an amendment to the Constitution subject to the amendments concerning appeals being heard by the Licensing Committee in appendix 2.

The Operations Director presented report ENV592 which detailed amendments required to the scheme of delegation following the implementation of the Scrap Metal Dealers Act 2013. The act would come into force on 1st October and repealed and replaced the Scrap Metal Dealers Act 1964 and those parts of the

Vehicle (Crime) Act 2001 that dealt with Motor Salvage Operators.

The Act revised the regulatory regimes for scrap metal dealing and vehicle dismantling and gave Local Authorities more powers including powers to refuse and revoke licences and enter and inspect premises. Anyone who wished to carry on a business as a scrap metal dealer would need to have a licence issued by the Local Authority which lasted for three years. Unlicensed trading was a criminal offence.

Following the changes made in the new Act, Local Authorities (LA's) had to make provision for the issue, administration and enforcement of scrap metal dealers licences. This included provisions to deal with any contested applications as well as setting fees.

Currently there were 24 scrap metal premises or transient traders registered in the district. The new act made selling scrap metal for cash an offence which from a crime and disorder perspective was a good move.

The new Act gave LA's powers to investigate applicants more thoroughly and inspect premises. These new powers needed to be reflected with new delegations which would come under the Operations Director delegations. The fees and charges aspect was to be delegated to the Section 151 Officer and work was currently being undertaken to set these charges. More information would be known once secondary legislation was published.

It was proposed to deal with appeals concerning licenses by way of the Licensing Committee in a similar way in which hackney carriage drivers were currently dealt with and the Head of Legal & Democratic Services asked that appendix 2 to the report be amended to reflect this.

Questions were asked about the Act specifically cross boundary trading at the north and south of the district and whether licenses were for people or sites, what happened with sub-contractors. The Operations Director indicated that he would seek clarification on that point. One of the key features of the Act was that a national register of licensed dealers would be compiled. A question was then asked about appeals being heard by the Licensing Committee to which the Head of Legal & Democratic Services replied that it was a function of the Council which could be delegated to the Licensing Committee as with hackney carriage driver appeals.

Secondary legislation was expected to outline the criteria for enforcement and enforcement costs would be applied for if a case went to court.

It was proposed, seconded and agreed subject to the changes outlined by the Head of Legal & Democratic Services that the proposed changes to delegations be recommended to Council.

33. CONSTITUTION REVIEW

ARTICLE 1

Recommendation

The Constitution Committee recommends to Council that Article 1 be amalgamated with Article 18 as attached to report LDS106 to include Article 19.

Members had been circulated with report LDS106 which concerned Article 1 and Article 18, Article 1 dealt with the Constitution and Article 18 dealt with the review and revision of the Constitution. A draft copy of the proposed Article 1 was appended to the report. Article 19 also dealt with the Constitution and the Head of Legal & Democratic Services asked if the Committee were happy for this Article to be amalgamated into Article 1 to make the Article more streamlined.

Members agreed with the proposed recommendation and it was proposed, seconded and agreed.

SCHEME OF DELEGATION

Recommendation

The Constitution Committee agree with the proposed changes to the Scheme of Delegation to officers as appended to report LDS107 and approve the proposal for consultation with officers.

Report LDS107 had been circulated with the agenda and concerned proposed changes to streamline the Scheme of Delegation with Article 15 which concerned officers and their statutory functions. There was a lot of duplication within the different sections. It was proposed that the Officer Employment Procedure Rules (page 245), the Officer Code of Conduct (page 264) and a Protocol for Relationships between Members and Officers of a Local Authority (page 273) be reviewed and included within Article 15 together with the extended Scheme of Delegation. The proposed scheme would list Proper Officers authorised to act for the purposes of the delegated functions and those authorised to act in the absence of the Proper Officer. General delegations would be grouped as delegated authority to all those appointed as chief executive, strategic director, head of service and service manager. Specific authorisations would be presented as shown in the appendix as circulated with the agenda.

Members felt that the proposal for the Scheme of Delegation made sense and it was proposed, seconded and agreed that the proposal be consulted with officers.

34. CLOSE OF MEETING

The meeting closed at 11.00am.