

# NON-CONFIDENTIAL



## **Borough of Tamworth**

2 December 2019

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 10TH DECEMBER, 2019** at 6.10 pm in the **TOWN HALL, MARKET STREET, TAMWORTH** for the transaction of the following business:-

### **AGENDA**

#### **NON CONFIDENTIAL**

**1 Apologies for Absence**

**2 To receive the Minutes of previous meetings**

- a To receive the minutes of the 16th July 2019 Extraordinary Council Meeting (Pages 5 - 6)
- b To receive the Minutes of the 10th September 2019 Council Meeting (Pages 7 - 14)
- c To receive the minutes of the 19th November 2019 Extraordinary Council Meeting (Pages 15 - 30)

**3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive**

**5 Question Time:**

- (i) To answer questions from members of the public pursuant to Procedure Rule No. 10.
- (ii) To answer questions from members of the Council pursuant to Procedure Rule No. 11

**6 Local Council Tax Reduction Scheme 2020/21 onwards** (Pages 31 - 38)  
*(Report of the Portfolio Holder for Assets and Finance)*

**7 Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2019/20** (Pages 39 - 58)  
*(Report of the Portfolio Holder for Assets and Finance)*

**8 Adoption of the Proposed Licensing Policy 2020-2023** (Pages 59 - 144)  
*(Report of the Portfolio Holder for Regulatory and Community Safety)*

Yours faithfully



**CHIEF EXECUTIVE**

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### **Access arrangements**

*If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail [democratic-services@tamworth.gov.uk](mailto:democratic-services@tamworth.gov.uk). We can then endeavour to ensure that any particular requirements you may have are catered for.*

### **Filming of Meetings**

*The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.*

*The Protocol requires that no members of the public are to be deliberately filmed. Where possible, an area in the meeting room will be set aside for videoing, this is normally from the front of the public gallery. This aims to allow filming to be carried out whilst minimising the risk of the public being accidentally filmed.*

*If a member of the public is particularly concerned about accidental filming, please consider the location of any cameras when selecting a seat.*

## **FAQs**

*For further information about the Council's Committee arrangements please see the FAQ page [here](#)*

Marmion House  
Lichfield Street  
Tamworth

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**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 16th JULY 2019**

**PRESENT:** Councillor R Kingstone (Mayor), Councillors R Claymore, D Box, R Bilcliff, T Clements, D Cook, M Cook, C Cooke, S Doyle, A Farrell, J Faulkner, R Ford, S Goodall, M Greatorex, M J Greatorex, T Jay, K Norchi, J Oates, M Oates, S Peuple, Dr S Peuple, B Price, R Rogers, P Standen, M Summers and P Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation), Zoe Wolicki (Assistant Director People) and Jodie Small (Legal, Democratic and Corporate Support Assistant)

Apologies received from: Councillor(s) M Bailey, P Brindley, J Chesworth and R Pritchard

**16 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**17 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That Members of the press and public be now excluded from the meeting on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

*(Moved by Councillor D Cook and seconded by Councillor Dr S Peuple)*

**18 NOMINATION RECEIVED - HONORARY FREEMAN OF THE BOROUGH (INDIVIDUAL)**

The Chair of the Nominations Committee presented the Nomination to Council.

**RESOLVED** That council;

Consider the recommendation from the Nominations Committee

Decided the Nomination is worthy of an award under S249 of the Local Government Act

*(Moved by Councillor T Clements and seconded by Councillor Dr S Peuple)*

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The Mayor

DRAFT



**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 10th SEPTEMBER 2019**

**PRESENT:** Councillor R Kingstone (Mayor), Councillors R Claymore, M Bailey, D Box, P Brindley, J Chesworth, T Clements, D Cook, M Cook, C Cooke, S Doyle, A Farrell, J Faulkner, R Ford, S Goodall, K Norchi, J Oates, M Oates, S Peuple, Dr S Peuple, B Price, R Pritchard, R Rogers, P Standen, M Summers and P Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Rebecca Neill (Monitoring Officer), Lynne Pugh (Assistant Director Finance), Zoe Wolicki (Assistant Director People), Bernadette Flanagan (Senior Elections Officer) and Jodie Small (Legal, Democratic and Corporate Support Assistant)

Apologies received from: Councillor(s) R Bilcliff, M Greatorex, M J Greatorex and T Jay

**9 TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 16<sup>th</sup> July 2019 were approved and signed as a correct record.

*(Moved by Councillor D Cook and seconded by Councillor Dr S Peuple)*

**10 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**11 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE**

**The following announcements were made:**

**Councillor J Oates**

“Thank you Mr Mayor.

You will recall the last time I stood here I announced that we had been unsuccessful with the future high street fund allocation however over the bank holiday I’m sure many of you would have read in the press that the scheme has

been extended and we have been successful so everything I said last time I take back. We are all go!

We have been successful in being awarded an additional amount of funding to get us to the stage of outline business plan by January with final business plan by April in order to go for the big bucks and get some of the future high street fund in Tamworth. So its good news following the slightly sad news we had last time that we had not got it. There is a lot of work Mr Mayor I don't have the details with me but its good news that we have been accepted on to the extended tranche one of the future high street fund"

### **Councillor J Chesworth**

"Thank you Mr Mayor.

Last week I'm pleased to say that Tamworth was awarded gold once again in the Heart of England in Bloom competition. I would like to pass on my congratulations to the Street Scene staff in particular, who worked really hard all year and particularly make the Castle Grounds and surrounding roads look absolutely superb, so I would like to thank them and all the officers involved and congratulate them. Thank you Mr Mayor".

### **Chief Executive Mr Andrew Barratt**

"Thank you Mr Mayor.

As members of Corporate Scrutiny will be aware when they considered the impact of Universal credit recently, and made a recommendation to Cabinet that the Leader and the Leader of the opposition jointly write to both the DWP the relevant minister and the MP to ask some question and concerns. I have a letter that has been agreed by both Councillor Cook and Councillor People and I would just ask if they would be prepared to sign it tonight so we can get it off and carry out Cabinets recommendation.

### **The Mayor Councillor R Kingstone**

Before we move on, I just have one thing to say. You might have noticed a new member of the Democratic Services team, we have a new Monitoring Officer, who has taken up her post so I would like to introduce Rebecca Neill, and she will be able to help with all our monitoring.

### **Dr S People**

"Thank you Mr Mayor.

Council at the last meeting will recall there was a list of outside bodies and I was grateful to the Leader for accepting the suggestion to put myself on the GBS LEP Scrutiny panel, I'm pleased to report to Council that first of all I was made vice chair at the last meeting but secondly that I have been able to influence the letter and the wording of the letter that has gone to Ministers supporting our desire to



have a choice as to which LEP we join and so I thought I would report that back to Council and thank the Leader for giving me the opportunity to serve the town. Thank you”

## 12 QUESTION TIME:

### **The Mayor Councillor R Kingstone**

“Before we deal with the first part of question time which is questions from members of the public, and we actually have two questions. I would just like to make a statement to the effect that the Constitution is fairly vague in this respect with regards to members of the public who submit questions and are not present, the spirit of the constitution in my persuasion is that if you’re a little bit nervous , a little bit scared about reading out questions or if you’re taken ill or incapable of getting to the meeting then yes that’s fine for the Mayor to read out those questions but I think we need to be careful about setting an unwritten precedence where by questions can be submitted by members of the public with the expectation of not yes it is a reasonable excuse, but for not a reason like I’ve already explained. We’re going to end up basically with and my fear that we are going to end up with 700 questions every meeting from members of the public and will turn into the letters page of the Tamworth Herald rather than a Council meeting so yes we will take these questions this evening but just to be cautious about the reasons why people cannot be present. There are often very valid reasons and that’s why we are taking these tonight but let’s not set precedence is what I’m saying”

### **Question read out by Mayor R Kingstone**

## **QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 1**

**Under Procedure Rule No 10, Mr Huw Loxton, of Tamworth will ask the Portfolio Holder for Culture and Operational Services, Councillor John Chesworth, the following question:-**

“I think we would all agree that the revamp of the castle ground toilets is extremely welcome. I was under the impression that the toilets would be available at all times, however after making enquiries I am told that they are controlled remotely to ensure availability meets demand and this will be monitored. There are no fixed opening hours but they will be open into the evening. Could you tell me exactly how this will work, for example, if they are deemed not necessary after 7pm, but there is an event, could they then be reopened to meet that particular demand?”

### **Councillor J Chesworth gave the following reply:-**

“To save time and for the benefit of everyone I have Mr Loxton’s contact details I will send him the written answer, and will provide a copy of the answers for the minutes and for all members benefit if that’s acceptable”

### **The Mayor Councillor R Kingstone**

“Councillor Chesworth I’m sorry to have to ask you but I want to try and avoid the constant, well not constant, but very often we seem to be faced with members giving written responses. Do you think it’s possible that the members of the public present tonight can hear a response that you are likely to give.”

**Councillor J Chesworth gave the following reply:-**

“Absolutely Mr Mayor, no problem.

All of the toilets are fitted with remote time controls with the exception of the Changing Places Facility which is controlled by means of a code which can be obtained by contacting the CCTV service. The five remaining toilets are split into two groups. Three of the toilets operate restricted hours. The other two toilets are open 24 hours a day at present; however this will be monitored and may change if having the facility open at all times leads to excessive vandalism or anti-social behaviour.

There has always been the opportunity to have the public conveniences open and available during events and this hasn’t changed with the provision of the new toilets. Requirements for opening during events would be managed through the event planning process.”

**Question read out by Mayor R Kingstone**

## **QUESTIONS FROM MEMBERS OF THE PUBLIC NO. 2**

**Under Procedure Rule No 10, Mr Huw Loxton, of Tamworth will ask the Portfolio Holder for Culture and Operational Services, Councillor John Chesworth, the following question:-**

“As some of you will know the changing places facility is a particular welcome addition to my family, and of course to many people in our town and visitors. To gain access to this facility people ring the out of hours street scene number which is available 24 hours a day which is good. That said, does this mean only those with a working phone can access this facility, and what about those unable to use a phone, for example, is a text service available for those with hearing loss or difficulties?”

**Councillor J Chesworth gave the following reply:-**

“The Changing Places facility is not currently open for use 24 hours a day and operates restricted hours due to the need to properly maintain it and to limit vandalism and anti-social behaviour. Unfortunately, access does require the user to make contact with CCTV control room by telephone and as such they would need access to a telephone. The nature of the facility is such that it is designed for people with severe physical disabilities and as such they would need to be accompanied by a carer in order to safely use the equipment that has been installed

One of the two toilets that is open 24 hours a day is fully Part M compliant for use by people with physical disabilities. There is no need for contact to be made with anyone in order to access this facility.”

## **QUESTIONS FROM MEMBERS OF THE COUNCIL NO. 1**

**Under Procedure Rule No 11, Councillor P Standen will ask the Leader of the Council, Councillor D Cook, the following question:-**

“At last year’s July council I submitted a question asking the Leader of the Council to provide an update on the responses to the letters sent to our neighbouring authorities regarding potential developments on Tamworth's borders? Could the Leader of the Council please update members as to the current status and what has been achieved in the last year and quarter?”

**Councillor D Cook gave the following reply:-**

“Thank you Mr Mayor and thank you Councillor Standen for your question.

Building on ours borders without the correct mitigations remains a massive concern for all of us cross party and for the authority itself.

In my answer to you last July I referenced I was meeting with Kit Malthouse, the Minister for Housing in the Home Office building on 18<sup>th</sup> July 2018. Myself and Mr Barratt (CEO) had this meeting and were successful in getting the Minister to understand the problem we face. What has been more difficult is finding a single fit solution.

I also stated I had sat down with the Leader of Staffordshire County Council to discuss the production of an overarching study on Infrastructure needs vs. new developments. I have had many meeting with him since on the matter and I can confirm we were given a first draft on Thursday 5<sup>th</sup> September 2019 while at a meeting in Stafford of all Leaders in Staffordshire. The document is so big I cannot E-mail, so we only have one hard copy at present but will fix that ASAP. It has been called the SIP (Strategic Infrastructure Plan).

The document provides a good evidence base for all Councils locally to use in preparation of Local Plans and using at planning committees when making judgements. While the document does not have a legal foothold as such, the evidence within could well do. We are now challenging both SCC and Warwickshire County Council in how it aligns cross border, as the bigger long-term problem is to the East in Warwickshire.

We continue to monitor all progress on developments on our border and I can confirm that the new Assistant Director of Regeneration has been left in no doubt of my feelings on this matter.”

**Councillor P Standen asked the following supplementary question**

“I hope it feeds in to what you’ve just said, can I thank the leader for his response and could he state what concrete resource people of Tamworth can expect to see within the next six – twelve month’s time frame”

**Councillor D Cook gave the following reply:-**

“Thank you Mr Mayor if I get my way there will be no concrete going down anywhere on our borders

I think it’s a complicated problem I think we all understand how the Local Plan process actually functions. Do Councils actually build houses these days? In the main, no, willing land owners do.

What we’ve got around Tamworth is a fundamental opportunity and problem at the same time. Land values in and around Tamworth vs what it costs to develop are very advantageous to developers, Tamworth is a very popular place to settle, it’s a very growing place still. What we need are the mitigations, we need to understand what happens when a new housing development pops up on our borders and how it affects our infrastructure, whether that be doctors surgeries, roads, everything involved in the infrastructure provision.

Can I sit here and guarantee no developments will pop up in the next ten years, one year, twenty years, no I cannot, what I can guarantee this Council and I hope cross party will continue to fight to ensure that every development has the correct mitigations that the residents of Tamworth deserve and I hope that remains a cross party commitment. Thank you Mr Mayor”

**13 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2018/19**

The Portfolio Holder for Assets and Finance updates Cabinet on the Annual Treasury report this report is a requirement of the Council’s reporting procedures. It covers the Treasury activity for 2018/19, and the actual Prudential Indicators for 2018/19.

The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes in accordance with Regulations issued under the Local Government Act 2003. It also provides an opportunity to review the approved Treasury Management Strategy for the current year and enables Members to consider and approve any issues identified that require amendment.

**RESOLVED**

That Council

**Approved the actual 2018/19 Prudential and Treasury Indicators within the report and shown at Appendix 1; and**

**Accepted the Annual Treasury Management Report for 2018/19**

*(Moved by Councillor R Pritchard and seconded by Councillor P Standen)*

**14 TAMWORTH PARLIAMENTARY CONSTITUENCY - REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS**

In accordance with the Electoral Registration and Administration Act 2013, every council in England and Wales must undertake and complete a review of all of the polling district and polling places in its area

**RESOLVED**

That Council

1. Adopted the polling districts and polling places as listed in **Appendix A** to this report.
2. Settled the polling place as the polling district plus any adjacent polling district(s).
3. Noted the polling stations proposed by the Returning Officer as listed in **Appendix A** to this report.

*(Moved by Councillor D Cook and seconded by Councillor Dr S Peale)*

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The Mayor

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**MINUTES OF A MEETING OF THE  
COUNCIL  
HELD ON 19th NOVEMBER 2019**

**PRESENT:** Councillor R Kingstone (Mayor), Councillors R Claymore, M Bailey, D Box, P Brindley, J Chesworth, R Bilcliff, T Clements, D Cook, M Cook, C Cooke, S Doyle, A Farrell, J Faulkner, R Ford, S Goodall, T Jay, K Norchi, J Oates, M Oates, S Peale, Dr S Peale, B Price, R Pritchard, R Rogers, P Standen, M Summers and P Thurgood

The following officers were present: Andrew Barratt (Chief Executive), Rebecca Neill (Head of Audit & Governance and Monitoring Officer), Tracey Pointon (Civic and Elections Officer) and Tina Mustafa (Assistant Director Neighbourhoods)

**15 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M J Greatorex. Councillor Sheree Peale joined the meeting at 6.20pm

**16 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**17 TO RECEIVE ANY ANNOUNCEMENTS FROM THE MAYOR, LEADER, MEMBERS OF THE CABINET OR THE CHIEF EXECUTIVE**

**Announcement from the Mayor**

I'm going to go straight into acknowledging exactly for those who were not present for prayers earlier on that we have sadly lost a current serving councillor Michael Greatorex and an ex-councillor, ex-Mayoress of the Borough Mrs. Mary Oates and before we move on to anything else, I think it would only be appropriate if we pause for a minutes silence for both of those two friends who we've sadly lost in the past couple of weeks.

So, if you'd like to be upstanding please.

Thank you very much ladies and gentlemen, please be seated.

I think given the huge respect that those of us who knew both Michael and Mary, it's only appropriate that before we move on to any other items of business that we allow a few minutes to hear tributes from various Councillors about those dear departed friends. So I'm going to invite Councillor Jeremy Oates to speak about his mother for a few minutes. Over to you Jeremy.

Councillor Jeremy Oates:

Thank you Mr. Mayor. I'm very much aware that there aren't many people left in the room now who served on the Council at the same time as Mary did. In fact she was elected in 2004 at the same time as those two fellows at the end. She stood as a paper candidate in 2005 and the irony of what I'm about to say, as she's no longer with us, but the Council Chamber became a new lease of life to her. In the year 2000 she had breast cancer and had a lump removed, she was also made redundant / took early retirement whilst she was off through ill health, so she was at quite a low point in her life at the time she was elected onto the Council. So Tamworth Borough Council gave her a new purpose and a new lease of life in her early retirement. I do wonder, and have said this before, something about ageing councillors, the Council keeps them going because they've got something to live for and something to do and that was certainly the case with Mary. It was a privilege to work with my parents on the Council and I know other councillors have worked with wives and sons and it's often a different dynamic when you're working with a family member. I was the Leader of the Council for a while, whilst she was on the Council and while she was a Cabinet member and to be honest I tended to treat her a little bit harder than the other Cabinet members because I could. And because of that relationship I was able to push a little bit harder and use her as an example and say something like, if this is how I treat my Mom imagine what I'm going to treat you like when you step out of line ... Danny, Rob, etc. I appreciate many didn't know her she was first elected in 2004. She became Housing Scrutiny Chair when we had Housing Scrutiny Committee and there were two things that jumped out from that period, one was the then Deputy Leader of the Council attended a Scrutiny Committee to present a paper and this was a tribute to the community at the time and to the chair. You soon find out who your friends are when you sit in front of that Committee. The second was at the time of one of the biggest corporate projects the Borough Council was running, the Housing Stock Transfer, which was pre-ballot so it was all being put together and worked up and this is something the Scrutiny chairs delayed by three months because the Scrutiny Committee and my Mother were not happy that we had consulted appropriately with the trade unions, so a massive corporate project stalled for three months because of a Scrutiny Committee. And I know all the key members at the time were involved in that decision. She eventually went on to become Housing Portfolio Holder and went on to go through the Housing Stock Transfer Ballot and what she brought to that role was a level of empathy and understanding. She was born and brought up in a rented house. She spent part of her life in a Council house and ultimately became a homeowner with my dad in the seventies, so she'd had experience of the full range of housing that Tamworth had to offer. She was able to bring that to the role, bring empathy to the role and with a background with the Children's Society and for the charity she worked for, she was able to bring that local understanding of the issues to it. Mr. Mayor, it's not up to me to say much more because I'd be biased but I do know there was a lot of respect for her here in the



Council and even when she left in 2012, which was a long time ago now, she certainly didn't just leave she's continually mentioned that there was a definite level of relationships while she was here. One thing I did miss there was she was very supportive of my Father when he was Mayor and she thoroughly enjoyed it. Her only regret that she had on the Council was that she didn't have opportunity to be Mayor, but she did have a few years on Cabinet. She certainly played a role in a non-civic function so that's all I have to say Mr. Mayor just a bit of info for those that did know her. Thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you Jeremy. Councillor Cook, Danny:

Thank you Mr. Mayor. To be honest as per usual Jeremy has stolen all my thunder about what an absolutely phenomenal councillor and wonderful human being Mary Oates was. I was only talking to Mick a few weeks ago saying I feel like I took a journey with Mary. We were elected on the same day, we became scrutiny chairmen almost immediately. I remember once going for a scrutiny chairmen's training course in Warwick with Mary with an overnight stay and I managed to ply her with way too much brandy and she was telling me stories from Jeremy's childhood, so I was texting Jeremy these stories as he's texting his mum saying 'shut up' which was a lovely three-way conversation. Jeremy might remember that. But I also sat on Housing Scrutiny when I remember Jeremy said the Deputy Leader of the Council came before the Committee I was given the torrid time, not just by the opposition, but by his own party and I remember him walking out saying you don't know who your friends are, well that was the kind of Committee that Mary ran. If a job's worth doing, it needs doing right. I remember fondly actually, I'll always remember when Mary was first appointed as Scrutiny Chairman, it was actually Dennis Powick on the opposition benches who happened to point out and as conservatives we'd never thought of this, actually Jeremy was Housing Portfolio holder and the Housing Scrutiny Chair was his mother Mary and it was a fair point actually how can you scrutinise your own son, I can guarantee you she did. So when Jeremy says he was a little bit hard on his Mother when she did become a Cabinet member it was vice versa for the first time I recall. I'll always remember the launch of the Mercian Regiment Mr. Mayor, Prince Charles was in town that day to launch the Mercian Regiment and he was taken to meet the civic dignitaries he was introduced to Councillor Jeremy Oates, this is the Leader of the Council, this is the Mayor of the Council Councillor Mick Oates, this is Councillor Mrs Mary Oates, actually Cabinet member, Mick's wife and Jeremy's mum. This is Councillor Terry Dix he is Leader of the County Council, Mary's brother and this is Brian Jenkins, the MP for Tamworth who is related to them secondly and Prince Charles must have walked out of that room thinking oh my god this is an in-bred town. But actually just to expand that further I think it really says something that actually between the Dix' and the Oates' family across both sides of the Chamber this family has truly given to this town and just remember Mary has been a massive part of that family and I truly do miss Mary.

Thank you Mr. Mayor.

Councillor Richard Kingstone:

Simon.

Councillor Simon Peuple, Leader of the Opposition:

Thank you Mr. Mayor. Obviously I extend my condolences individually to Jeremy and to his father and I'd just like to make three points. The first one is that I saw Mary not very long ago before she died, she was in the sewing club at St. Peter's, Glascoate Heath. I parked in the St. Peters, completely unrelated, saw her and she immediately said hello, hi, you know absolutely lovely as always and I met Mick coming in to pick her up on the way out and when I heard the news I can just think well there's a couple and that's been broken, but it's very sad and nothing can change that but in the respect that she's held will hopefully help. So that's my first point. My second point Mr. Mayor and I'll say this as a parent and also as somebody who has known Jeremy over a long period of time. If you want to understand somebody who had success in life in transmitting their values then you tend to look at their children and I've known Jeremy in politics in this town for longer than either of us probably care to remember. He looks way younger than me but what I would say is this, during the last General Election, they come a bit more frequently these days, he and I were agents and we had those two stoppages and the terrorist event and in each case as agents we had to confer with each other as to when the appropriate time was to restart and neither wanting to get it wrong because each party because each party is trying to get it right but equally we had to get back out there and prove the democratic process wasn't going to stop. And the lovely thing and I don't think either of us admitted to this being not true since so we'll have to regard as true is we told each other the truth, we kept each other fairly and squarely informed and if you're going to judge Mary think of this if she can produce such a thoroughly decent human being as a son then she must have done many things that are right. And the third thing I would say is this we are currently going through Brexit some of us are old enough to remember the Miners' Strike in the mid-eighties Councillor Cook has alluded to the fact that Terry Dix spans two parties, we won't go into who was on the right side. But, during that strike there was a deep, deep split and I know to this day that people with whom are my treasured friends because we were on the same side and I know how difficult it used to be to be in a family that was so political and to come out in a different way and what Mary did for Mick was to stand by them and they stood by each other and they carried on doing it. And I think that shows a terrific quality in an individual so those are the three points I'd like to make Mr. Mayor in offering condolences thank you.

Councillor Richard Kingstone:

Thank you very much for some lovely words. Councillor Bilcliff.

Councillor Bilcliff:

Mr Mayor I can't speak as confidently as most Councillor as I didn't know Mary, all I can say is that it appears that it was my loss listening to what's been said in this Chamber tonight. All I can say is to both Michael and Jeremy is that this Group offers its sincere condolences to the whole family and we're very sorry for your loss.

Thank you.

Councillor Richard Kingstone:

Thank you for those words, thank you.

Do we have anybody else? No, okay. Mary was, and I've got nothing else to say, other than Mary was a lovely, lovely, lovely lady and she will be missed by everybody who knew her, whether you knew her well or knew her just briefly.

We'll move on to tributes to our dear Michael Greatorex, has anyone have anything they'd like to say about Michael. Councillor Cook, Danny.

Councillor D. Cook:

With your permission Mr. Mayor, I'll save my thoughts for whenever the motions, because I have written a bit of a speech for that if that's okay.

Councillor Richard Kingstone:

Do people wish to hold a general consensus that we hold fire until we move to the Alderman status for any comments about Michael I'm just looking around for nods at this point. Okay, we'll wait for the Alderman Status notification.

So, for those people at the back of the room you've just seen something that doesn't happen very often unfortunately Councillors in office do pass away and past Councillors pass away and normally those Councillors that knew of them are given the opportunity to express a few words about them.

In the announcements section this evening we have some rather pleasant items to deal with first. First one of which is to receive a nomination from the Leader of the Council to confer title of Honorary Alderwoman to Maureen Gant so Councillor Cook over to you.

Councillor D. Cook:

Thank you very much Mr. Mayor. Maureen was first elected to Tamworth Borough Council in 2003, she remained a serving Councillor until 2019 when she stood down, 16 consecutive years serving the Spital Ward in our historic borough. On this Council she had a few positions but mainly I'd like to draw your attention to the last years as Chairman of the Audit & Governance. She did it diligently, she did it professionally and she did it well. I for once believed that if Cabinet is the captain of the ship to set the direction, Audit & Governance is the engine room. It keeps us in a straight line. Maureen kept the engine running very well over those years and we need to remember that but of course not to miss out but she was also the Mayor of Tamworth twice in that period and I believe that 2006 and 2015 where she was an excellent first citizen who brought a grace, a class and sense of the humour to the role. This is without mentioning the years of charity and voluntary work hand in hand with her husband Kenneth Gant, Honorary Freeman, giving as much to the residents and to the town that she

loved and served as she possibly could. Mr. Mayor I could extol Maureen's merits for Alderwoman status for hours to come but the whole Chamber knows Maureen as a person, the person she is and the great Councillor she was, therefore I am happy to indeed be blessed to move the motion to grant her the much deserved title of Honorary Alderwoman of Tamworth. Open for a seconder thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you Councillor Cook, do we have anybody who wishes to second. Councillor People.

Councillor Simon People:

Thank you Mr. Mayor. It's a great pleasure to second this nomination, not only because we agreed that twelve years consecutive was enough and therefore she would qualify but more because of the person that she is. Over the time that I've known her on the Council and outside she's always demonstrated not only the commitment to doing the job of a Councillor but in doing it really, really well. She also brings to the role, you've mentioned all these governors Councillor Cook, but she also brought to the role real probity and a real belief in values. Her values were not to be trampled on and they weren't to be trampled on by the opposition or by others but she was also not to be trampled by her own. So, if there's an issue she'd say so and I know from other members of the conservative group that if she thought they ought to behave in a particular way she wasn't afraid to talk and that is actually something that is most hard to sometimes keep hold of is to ensure that your own side live up to your own expectations as well as the other side. It's always much easier so I think it is verified it was my pleasure to move the status of the Freeman for her husband, I think it's incredible not only has she done all the things that we've already heard about but she also supported him. I've been there, I know what it is to have a spouse who puts up with everything that goes on, I've seen what it's like and Maureen did for Ken what Sheree has done for me over many years being there when I've been out at meetings, for being there when I'm worrying about something didn't immediately seem important and that is a massive, massive contribution to the civic life of the town and I believe she deserves this status, it's not just for all her work but for all the work that she made possible by Ken and I know she would value her contribution to supporting Ken as part of that and the charity work she did and her commitment to the Royal British Legion and I think it's absolutely phenomenal and so it's with great pleasure that I second this nomination. Thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you Councillor People. Does anybody else wish to comment on the nomination. Councillor Standen.

Councillor Patrick Standen:

Just a quick word, When I first was elected to this Council back in 1990 and I got to meet Ken and you can't separate Maureen and Ken, I got to meet Maureen

when I came back onto it in 2012. You couldn't meet a nicer couple, so really happy to move this.

Councillor Richard Kingstone:

Thank you very much Councillor Standen.

***Motion moved by Councillor D Cook and seconded by Councillor S Peale***

If that's it for the comments we'll move to the vote, so the proposal is to grant or confer the title of Honorary Alderwoman to Maureen Gant. All those in favour, that is carried. Thank you very much ladies and gentlemen. For those at the back what we often do is confer an honorary title to those Councillors who serve three or more consecutive terms of office whether that be an Alderman status or an Alderwoman status, just so that you're aware of what that procedure was about.

The next item is to receive a nomination from the Leader of the Council to confer the title of Honorary Alderman to the late Councillor Michael Greatorex. Councillor Cook.

Councillor Daniel Cook:

Thank you again Mr. Mayor. Just like Mary this one is going to be hard so if I start to struggle please bear with me. If the first motion to give former Councillor Gant the Alderwoman status was a pleasure, I really wish I wasn't stood here tonight Mr. Mayor. I believe my good friend and colleague Michael sat just over there, ready to tell me again after the meeting which bits I'd got wrong, because he was good at that. Michael was a treasured colleague, a sounding board for many thoughts I had over the years, he was honest, he was loyal and he was a gentleman. He was first elected in 2010 to the Mercian Ward, obviously the ward he shared with yourself, Mr. Mayor where he served diligently, honestly and with a passion. I recall he was the Cabinet member for Housing in 2013 when the Council first produced its thirty year HRA business plan and it was one hell of an undertaking that first time. I remember it well and Michael did that with a passion with a foresight checking every detail as I remember. He was absolutely dedicated to what he did. He was also an incredibly effective Chairman in planning Mr. Mayor, he was certainly serving the town. Also he was elected to be Watling South Seat for the County Council in 2013 where he had the pleasure of serving two years consecutive as the Chairman of the County Council representing Staffordshire and its values all over the County and I'd like to think also pushing a bit of Tamworth in that role as well. As I said Mr. Mayor, Michael was a friend, a colleague and I miss him dearly and I really wish I didn't have to stand here and move this motion tonight. As has been said we did agree cross party that it would be twelve consecutive years' service or three terms to receive the Alderman, Michael has done nine and a half years consecutive but has sadly passed away. You can't give any more than that so I'm happy to move the motion Mr. Mayor that Michael Greatorex be given Honorary Freeman of the Borough. Thank you Mr. Mayor.

Councillor Richard Kingstone: Councillor Peale.

Councillor Simon Peale:

Mr. Mayor, I'm not trying to pick anything up but I take it he was still talking on Honorary Alderman.

Councillor Daniel Cook:  
Yes apologies, sorry Mr. Mayor.

Councillor Simon Peale:

As you finished I thought I had better double check.

Councillor Daniel Cook:  
No thank you Simon, sorry it was Honorary Alderman.

Councillor Simon Peale:

As has been said Mr. Mayor, we agreed in Council that the automatic confirm would come for those who retire for at least three terms consecutive. Clearly, sadly Michael wasn't able to reach that milestone and we took the decision with regard for Councillor Claymore that we would regard the sad event of their demise as not being a reason to bar it and we feel that this is also true in the case of Councillor Greatorex. The interesting thing since his very sad death is that one word keeps coming up in every conversation about him and that is that he's a gentleman. Doesn't matter who you talk to, everybody includes that particular description of him and those on the County who know him way better than I do and the realms of you who obviously know him much better because he had been in group meetings and other meetings that come with it but that's the theme that has come out in every single conversation that I've had for all sides from all walks and I think it's a tremendous thing that everyone can remember in that way because it's so difficult sometimes in politics to do that and yet he achieved it. Allusions have been made to his role in planning I used to hear all about it every time Tom came back from a Planning Meeting he would be telling me about it, and what a great Chairman Michael was and has supported him and how encouraging he was and that's why I singled that point out in my tribute that went out in the Council statement, because he really did encourage somebody young, somebody from the other side to learn and to develop as a Councillor and I think that is fantastic. I can only say how genuinely we offer our sincere condolences to his family, he was somebody else, who we talked to, we talked about history, we talked about various encounters in Council. We didn't always agree if you were regularly in the Council, but the lovely theme was that afterwards you could chat about it or laugh about it whatever because he was a gentleman and that's how he'll remain in memory of the Members who served with him. Thank you Mr. Mayor and therefore I second his nomination for Alderman. Thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you very much for those words. Councillor Bilcliff.

Councillor R. Bilcliff:

Thank you Mr. Mayor. Obviously I've only been a Councillor for three and half years. Every time I spoke to Michael as Simon said you could only gather the fact that he was actually a gentleman. He always answered my questions honestly with integrity, he will be so missed on that side of the Chamber. UKIP had people to stand in both those wards and I had the dubious task that Nigel Farage's has had, to ask them to stand down which we did as you've obviously seen. Because we've got that much respect for that chap that's the reason, not because we couldn't, because we didn't want to. All I can say is it true what they say that the good go young. I may be here for some time.

Councillor Richard Kingstone:

Thank you Councillor Bilcliff. Does anybody else wish to.... Councillor Cooke, Chris Cooke.

Councillor Chris Cooke:

Thank you Mr. Mayor. When I heard about the loss of Michael it was actually on Facebook and I was so shocked and devastated as well. For all the time I've known him, this was also from my father was a Councillor as well. I always had a lot of respect. He was always helpful, he was always polite, he was also a role model as well. On behalf of myself and also my Dad we're both very sorry and upset at his loss.

Councillor Richard Kingstone:

Thank you Councillor Cooke for those lovely words. Councillor Ford.

Councillor Richard Ford:

Thank you Mr. Mayor. Councillor Tina Clements has asked me to read this on her behalf and hope it's acceptable for everybody. Michael and I first met in 2009 when we both attended a half day selection course. We both walked in together and found out that we had got so much in common and I was in awe of his love of history and his home town in Winster in Derbyshire. We were both elected into Council in 2010 and I joined him on the County in 2017 when he was also re-elected. As things overlapped, we have always worked together on many projects in the community. Michael is going to be sorely missed and I truly will miss his principals, his integrity and honesty. Thank you.

Councillor Richard Kingstone:

Thank you Councillor Ford for those comments for Councillor Clements. Councillor Standen.

Councillor Patrick Standen:

Thank you Mr. Mayor. I'm sorry to be standing here. Michael was a gentleman I think we all agree on that. Hard working, didn't agree with him politically at times

often disagreeing with him, but never ever personal. You could be disagreeable. As Planning Chair he was exceptionally good he bought things like issue papers where he could discuss things up front, almost common sense revolutionary where Members could give feedback what they wanted before it came to the Committee. It's obviously hindsight but somebody had to bring it in and that came under his chairmanship. He was hard working in his local area, like when there was a fire in Kimberley, and the Fire Engine couldn't get down the street because cars were blocking it and we worked together with residents to get some markings on the road to try and prevent cars blocking so that Fire Engines could actually get in and save people's lives. It's for issues like this, he will be missed. He was definitely hard working and he'll be hard to replace, very much missed especially by his family. Thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you Councillor Standen. Councillor Jeremy Oates.

Councillor Jeremy Oates:

Thank you Mr. Mayor. A bit of tribute for Michael and support for the motion to award him Honorary Alderman and as a Council family we're having a terrible year so am pleased to be approaching December and it's going to be behind us. Michael has been described as a gentleman, there are certain things that make up a gentleman, if he disagreed with you, you knew he disagreed with you, he didn't pull any punches but he did it in a calm and appropriate manner and he would talk through the issue and at the end we would still disagree but we'd thrashed it out properly and appropriately. He was thorough and thoughtful. I'd say thorough, if you suggested something to him or something was tabled at a meeting he would go away and think about doing his homework, he would then come back and produce the evidence for his argument. I do recall, I'm sure some people in the room will recall is that at a political meeting in Wilnecote, we were discussing a fund raising activity which involved a treasure hunt using our own vehicles, and Mike was sat there and thought I'm not comfortable with this. He gets his wallet out and produces his insurance certificate for his vehicle and reads out 'I cannot take part in this as it constitutes a rally and I'm not insured to driving my vehicle. That was the sort of detail he could turn to immediately and present while we're all going on about it being a great day, he was okay guys slow down. And that's the sort of thing that Michael would do. He was very thorough; the big thing for me having worked with Michael was how grateful he always was. He had a passion to learn and learn from anyone he could do who he thought would have knowledge or be able to assist him. I took him to the County Council to view his first full Council meeting at the County, he was grateful for the lift but the thing that really got to him was we had lunch afterwards and he found out I'd paid for that. And he was always gushing in his thanks because it wasn't just a freebie on the Council, I'd bought him lunch and he wasn't expecting it. The great thing that I will remember from Michael was being his agent and being Moira's agent this year. Throughout the campaign and throughout my time on the Council he was very often taken me to one side and would say you're doing a great job Jeremy, thank you very much for all you're doing. Because as a profession as it were we don't get thanked enough and we don't say thank you to each other enough, so Michael made sure that if somebody had delivered a good job he would pat them



on the shoulder and say you've done your job thank you very much and keep up the good work and I think in awarding him Alderman for me is how I am saying you know what you've done a cracking job Michael, thank you very much.

Councillor Richard Kingstone:

Thank you for those lovely words Councillor Oates. Now Councillor Sheree Peaple.

Councillor Sheree Peaple:

Thank you Mr. Mayor. As already been expressed I'm really sorry to be standing here saying these words and I was very shocked and saddened when I heard about Michael's passing. I'd like to extend my condolences to Moira and his family. Michael and I both served as County Councillors from 2013 – 2017 and we absolutely disagreed on virtually everything but we did it in a very fair, open and accepted ways. He was a true gentleman epitomised and when I lost my seat very narrowly, he came over to me at the end of the Count and told me how sorry he was to lose me and genuinely and I thought yes I think you mean it. So he was a true gentleman and he'll be very much missed and I will definitely support this nomination. Thank you.

Councillor Richard Kingstone:

Thank you Councillor Peaple, do we have anything else to say about the nomination. I suppose at this point what I ought to say is as Michael's fellow ward councillor the words that you've said have been wonderful and all I can say is I'm going to miss him dreadfully and I think we all will.

***Motion moved by Councillor D Cook and Seconded by Councillor R Bilcliff***

Let's move to the vote – all those in favour. That's unanimous thank you very much ladies and gentlemen.

Councillor Richard Kingstone:

Councillor Peaple.

Councillor Simon Peaple:

Mr. Mayor I'm delighted that both those nominations went through. When it was muted that we going to have the extraordinary meeting to discuss the nominations, I did write to the Chief Executive expressing my desire, especially if it wasn't for a general election, that we ought to catch up on what I believe one nomination which hadn't been put forward previously and I spoke to the Leader in the case of nominating former Council Leader and former MP Brian Jenkins who has on the first time we did the catch up he was still a County Councillor and therefore politically active therefore ineligible. Subsequently, he has retired I can vouch for the fact that he declined the opportunity to re-enter the fray on various occasions. And I'm therefore looking for the process to be confirmed that we will go through. The reason why he wouldn't qualify automatically is that back in 1996

there was a by-election in Tamworth and it was a conservative majority of nine and a half thousand, labour were confident in winning and indeed proved to be the case. But there was pressure on him to resign from the Council to prove that he believed that he in April would be elected as the Member of Parliament so he actually stepped down with about a month to go in the third term and as subsequently people with know he served fourteen years as the Member of Parliament, four years as a County Councillor, a former Mayor, a former Leader of a tory driven Council and so I'm looking for the support of the Leader of the Council for that process now being taken forward. Thank you Mr. Mayor.

Councillor Richard Kingstone:

Thank you Councillor Peaple. Can I take it that that process is going to move forward or do you want to make a comment.

Councillor Daniel Cook:

Yes I would, thank you Mr. Mayor. The Leader of the Opposition is correct we have spoken about this and from a personal perspective I am more than happy to support the idea of the nomination going through to the Nominations Committee, not full Council. And I've already given my word, I would support this nomination.

*Moved by Councillor S Peaple and seconded by Councillor D Cook*

Councillor Richard Kingstone:

Thank you so we look forward to the nomination going through to the Nominations Committee, when is that, is it January or something like that. Whenever it may be next.

**18 TO CONSIDER THE FOLLOWING MOTION, NOTICE OF WHICH HAS BEEN DULY GIVEN IN ACCORDANCE WITH PROCEDURE RULE NO. 4.12.1 BY COUNCILLORS R FORD, J OATES, S GOODALL, B PRICE AND R PRITCHARD**

The 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.

It is noted that the impacts of climate breakdown are already causing serious damage around the world. It is also acknowledges that strong policies to cut emissions have associated health, wellbeing and economic benefits.

Recommendations:

1. Tamworth Borough Council declares a Climate Emergency' that requires

urgent action;

2. Make the Council's activities net-zero carbon by 2050;
3. Ensure that political and chief officers leadership teams embed this work in all areas and take responsibility for reducing where practicable, as rapidly as possible, the carbon emissions resulting from the council's activities;
4. The Council (including the Executive and Scrutiny Committee) consider the impact of climate change and the environment when adopting and reviewing Council policies and strategies;
5. Receive a report to the relevant scrutiny committee regarding the level of investment in the fossil fuel industry that any of our investments have;
6. Ensure that all reports in preparation for the 2021/2022 budget cycle and investment strategy will take into account the actions the Council will take to address this emergency;
7. Ask council to note there will be an as yet undefined financial impact to any plan to achieve net zero carbon operations.

**Amendment** moved by Councillor J Faulkner and seconded by Councillor K Norchi to recommendation 2 of the motion:

**Make the Council's activities net-zero carbon by 2030**

On being put to the named vote the amendment was not carried.

**Named vote**

**For**

Councillor J Faulkner  
Councillor K Norchi  
Councillor Dr. S Peaple  
Councillor S Peaple  
Councillor P Standen

**Against**

Councillor M Bailey  
Councillor R Bilcliff  
Councillor D Box  
Councillor P Brindley  
Councillor J Chesworth  
Councillor R Claymore  
Councillor T Clements  
Councillor C Cooke  
Councillor D Cook  
Councillor M Cook  
Councillor S Doyle  
Councillor A Farrell  
Councillor R Ford  
Councillor S Goodall  
Councillor T Jay  
Councillor J Oates  
Councillor M Oates  
Councillor B Price  
Councillor R Pritchard

Councillor R Rogers  
Councillor M Summers  
Councillor P Thurgood

**Amendment** moved by Councillor C Cooke and seconded by Councillor D Cook to recommendation 2 of the motion:

**Make the Council's activities net-zero carbon by 2050 with aspiration to achieve 2030 should the council be financially able to do so.**

On being put to the named vote the amendment was declared carried.

**Named vote**

**For**

**Against**

**Abstain**

Councillor M Bailey  
Councillor P Brindley  
Councillor J Chesworth  
Councillor R Claymore  
Councillor T Clements  
Councillor C Cooke  
Councillor D Cook  
Councillor M Cook  
Councillor S Doyle  
Councillor A Farrell  
Councillor J Faulkner  
Councillor R Ford  
Councillor S Goodall  
Councillor T Jay  
Councillor J Oates  
Councillor K Norchi  
Councillor M Oates  
Councillor B Price  
Councillor Dr S Peuple  
Councillor S Peuple  
Councillor R Pritchard  
Councillor R Rogers  
Councillor P Standen  
Councillor M Summers  
Councillor P Thurgood

Councillor D Box

Councillor R Bilcliff

The substantive motion was put to the vote and declared carried and it was:

**RESOLVED:** That Tamworth Borough Council:

1. Declares a Climate Emergency' that requires urgent action;

2. Make the Council's activities net-zero carbon by 2050 with aspiration to achieve 2030 should the council be financially able to do so;
3. Ensure that political and chief officers leadership teams embed this work in all areas and take responsibility for reducing where practicable, as rapidly as possible, the carbon emissions resulting from the council's activities;
4. The Council (including the Executive and Scrutiny Committee) consider the impact of climate change and the environment when adopting and reviewing Council policies and strategies;
5. Receive a report to the relevant scrutiny committee regarding the level of investment in the fossil fuel industry that any of our investments have;
6. Ensure that all reports in preparation for the 2021/2022 budget cycle and investment strategy will take into account the actions the Council will take to address this emergency;
7. Ask council to note there will be an as yet undefined financial impact to any plan to achieve net zero carbon operations.

## **19 ALLOCATIONS POLICY**

The Portfolio Holder for Housing services and Neighbourhoods provided details of the full Allocations Policy 2020, shown at annex one, Summarised feedback from the detailed consultation exercise that ran from 7<sup>th</sup> May 2019 – 30<sup>th</sup> August 2019, reflected scrutiny committee observations (both IS&G and Health & Wellbeing) and also set out the implementation arrangements should Council approve the final scheme. She provided additional clarification as an alteration to recommendation 1 of the motion

1. Approve the Council's Allocations Policy 2020, shown at annex one, with the following clarifications:-
  - a. That the thresholds for income per households range from £30k (pa) up to a maximum of £60k (pa). This will be subject to a comprehensive household income and expenditure assessment to ensure no household suffers exceptional financial hardship & is deemed ineligible as a result.
  - b. That the local connection be usually 2 years as set out in the proposed policy; but circumstances will be considered to ensure exemptions and officer discretion is applied to avoid any household being significantly disadvantaged where there is current local connection with Tamworth and this period needs to be extended.
  - c. The impact of the policy (specifically financial thresholds and local connection) will be reviewed within 12 months and recommendations reported back to Cabinet on policy developments going forward, in 2021.

**RESOLVED**

That Council;

1. Approved the Council's Allocations Policy 2020, shown at annex one with the following clarifications:
  - a. That the thresholds for income per households range from £30k(pa) up to a maximum of £60k (pa). This will be subject to a comprehensive household income and expenditure assessment to ensure no household suffers exceptional financial hardship & is deemed ineligible as a result.
  - b. That the local connection be usually 2 years as set out in the proposed policy; but circumstances will be considered to ensure exemptions and officer discretion is applied to avoid any household being significantly disadvantaged where there is current local connection with Tamworth and this period needs extending.
  - c. The impact of the policy (specifically thresholds and local connection) will be reviewed within 12 months and recommendations reported back to Cabinet on policy developments going forward, in 2021.
2. Supported Health & Well-being scrutiny committee observations shown at annex three which were incorporated into the revised policy.
3. Endorsed the Equality Impact Assessment set out at annex six.
4. Acknowledged feedback from the detailed consultation exercise that ran from 7<sup>th</sup> May 2019 – Friday 30<sup>th</sup> August 2019, full details set out in annex seven.
5. Approved the implementation action plan, should Council approve the final scheme, highlighted in the report and shown at annex eight.

*Moved by Councillor M Cook, seconded by Councillor R Bilcliff*

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The Mayor

## COUNCIL

10 DECEMBER 2019

### REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE

#### LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21 ONWARDS

##### EXEMPT INFORMATION

This proposal is not exempt information for the purposes of Part 1 of Schedule 12 (A) of the Local Government Act 1972

##### PURPOSE

To advise members that the Local Council Tax Reduction Scheme for working age customers for 2020/21 should include continued alignment to Applicable Amounts with those of Housing Benefit.

##### RECOMMENDATIONS

- 1 That Council consider and endorse or otherwise the proposed recommended changes detailed below:
- 2 *The base scheme goes forward with the following;*

*That the Local Council Tax Reduction Scheme for working age customers for 2020/21 will continue to be aligned to Applicable Amounts with those of Housing Benefit.*

## **EXECUTIVE SUMMARY**

This report details the key issues arising from the Local Council Tax Reduction Scheme.

The Welfare Reform Act abolished Council Tax Benefit from 1 April 2013. It was replaced by a new Local Council Tax Reduction Scheme for working age customers. A national scheme of regulations was introduced for pensioners, which mirrors the obsolete Council Tax Benefit Scheme.

Grant funding was reduced and is distributed by the Ministry of Housing, Communities and Local Government rather than the Department for Work and Pensions. Outturn for the 2018/19 scheme was £4.06m of which the Authority's share was £423k (10.4% of the impact on the Collection Fund). At inception, the scheme design was modelled to ensure that the Authority complied with the Central Government requirement to achieve a 10% reduction in benefit cost but without increasing the burden of cost to the Council Tax Payer. However, it has been assumed that Revenue Support Grant (RSG) will cease to be paid from 2021 and the Council will have to fund the scheme from its own resources and retained Business Rates income in the future.

The impact of grant funding and expenditure is closely monitored on a regular basis to identify whether the scheme is achieving its objectives but also not increasing cost burdens to the Medium Term Financial Strategy. The current maximum level of award under the existing scheme is 75%. Current financial modelling indicates that although grant levels are reducing the scheme maxima should not be changed for the 2020/21 scheme as it would add further potential hardship to claimants. This position is under regular review. Members should be aware of the impact of the Central Government Grant reductions when formulating the scheme for 2020/21 as any subsequent changes to the scheme governance arrangements, not consulted on would require a further consultation exercise.

Continued alignment of the scheme with applicable amounts for the Housing Benefit scheme should be considered. This is not a legislative requirement for those of working age, but a decision for this Council. This will prevent confusion between schemes and reduce administrative burdens. Furthermore, it would reflect any cost of living rises allowed by the Government.

As there are no other proposed changes for the scheme it was not necessary to carry out a formal consultation this year.

## **OPTIONS CONSIDERED**

The current scheme for most working age customers bases an award on a maximum of 75% of their Council Tax liability. Those who receive a Severe Disability Premium, or who have a disabled child and those who receive a War Widows/War Disability Pension or Armed Forces Compensation Scheme payment have their awards based on 100% of their liability.

Pensioners also continue, under the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, to have their awards based on 100% of their Council Tax liability.

Members at both Cabinet and Corporate Scrutiny Committee meetings have recently commenced a review of proposals to introduce a Banded Scheme, for implementation in 2021/22, starting on 1 April 2021, which would remove much of the complexity associated with the current scheme, whilst at the same time maintaining fairness and equality in the way in which awards are distributed amongst Council Tax payers. Further reports will be submitted to both Cabinet and Corporate Scrutiny, to include detailed cost forecasting and scheme principles with the aim to finalise a new scheme for Public consultation in 2020.



## **RESOURCE IMPLICATIONS**

Council Tax Benefit subsidy awarded for 2012/13 was £5.38m. The current scheme was modelled on delivering an estimated benefit reduction in the region of £700k for 2013/14, necessitated by grant cuts of 10% and protection for Pensioners and other vulnerable groups. The final amount awarded for 2013/14 was £4.427m, £4.156m for 2014/15, £4.04m for 2015/16, £3.98m for 2016/17, £3.97m for 2017/18 and £4.06m for 2018/19 (**Appendix 1**).

Latest figures confirm that £4.11m has so far been awarded in Local Council Tax Reduction (LCTR) for 2019/20, to both working age and pensioner customers. The live caseload has reduced by approximately 20% since April 2013, which is attributable to customers finding employment, becoming financially self-sufficient and contributes to the lesser amount now awarded. Furthermore, welfare reforms have also reduced the amount awarded to some claimants who are no longer entitled to the Severe Disability Premium, thus their award is now based on a maximum of 75% rather than 100% of their Council Tax liability.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Ministry of Housing, Communities and Local Government have confirmed that consultation on the scheme is not required annually if it is not amended. The Council have therefore taken the decision not to consult this year as other than the yearly alignment of applicable amounts to those of Housing Benefit, there are no significant proposed changes that required a consultation.

Section 13 A(2) and Schedule 1A of the Local Government Finance Act 1992, as well as Schedule 1A, paragraph 16 of the Local Government Finance Act 2012 legislate that the scheme must be agreed annually by full Council.

Full Equality Impact Assessments were considered and taken into account when the scheme was initially finalised and agreed.

## **SUSTAINABILITY IMPLICATIONS**

Funding for the replacement of the previous Council Tax Benefit scheme was changed from AMEY (unrestricted reimbursement of Council Tax Benefit subsidy) to DEL (restricted, pre-allocated grant figure). The Council must be aware that there must continue to be a contingency if, for instance, a major local employer goes into administration.

## **BACKGROUND INFORMATION**

The Welfare Reform Act 2012

[http://www.legislation.gov.uk/ukpga/2012/5/pdfs/ukpga\\_20120005\\_en.pdf](http://www.legislation.gov.uk/ukpga/2012/5/pdfs/ukpga_20120005_en.pdf)

The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Regulations) 2012

[http://www.legislation.gov.uk/uksi/2012/2885/pdfs/uksi\\_20122885\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/2885/pdfs/uksi_20122885_en.pdf)

## REPORT AUTHOR

Jane Smith x355

## HISTORICAL LIST OF BACKGROUND PAPERS

The Local Council Tax Scheme was introduced in April 2013. Previous versions of the schemes are available if required.

Local Council Tax Reduction Scheme 2018/19 report, presented to Council on December 12<sup>th</sup> December 2017

<http://democracy.tamworth.gov.uk/documents/s21399/Local%20Council%20Tax%20Reduction%20Scheme%20201819%20onwards.pdf>

Local Council Tax Reduction Scheme 2019/20 report, presented to Council on 11<sup>th</sup> December 2018

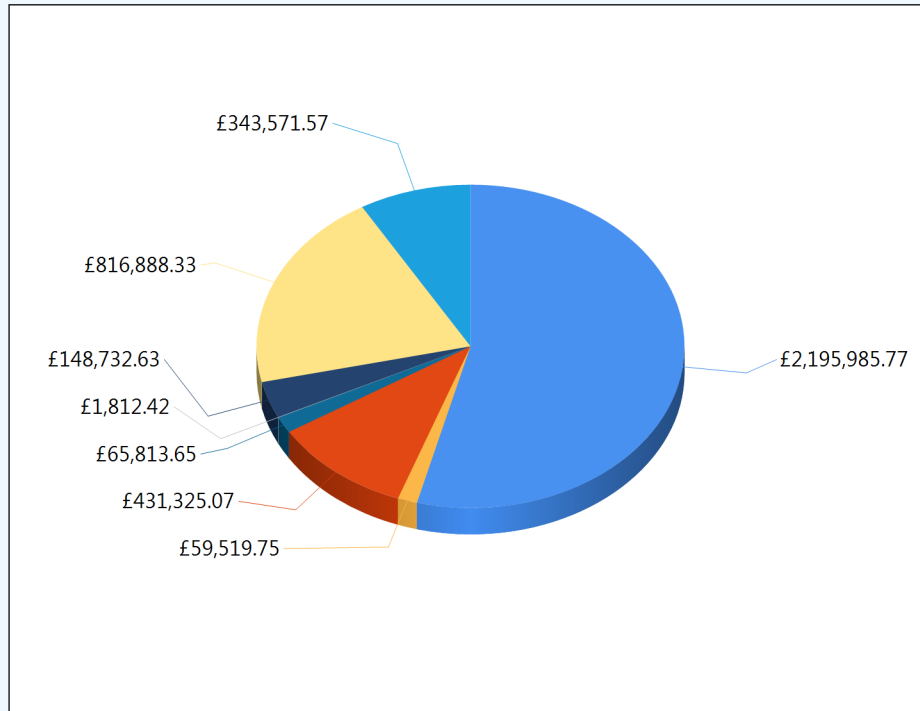
<http://democracy.tamworth.gov.uk/documents/s24666/Local%20Council%20Tax%20Reduction%20Scheme%20201920%20onwards.pdf>

## APPENDICES

**Appendix 1** Local Council Tax Reduction Working Age Expenditure Summary

**Appendix 2** Local Council Tax Reduction Caseload Summary

CTS Expenditure as of 2018-2019

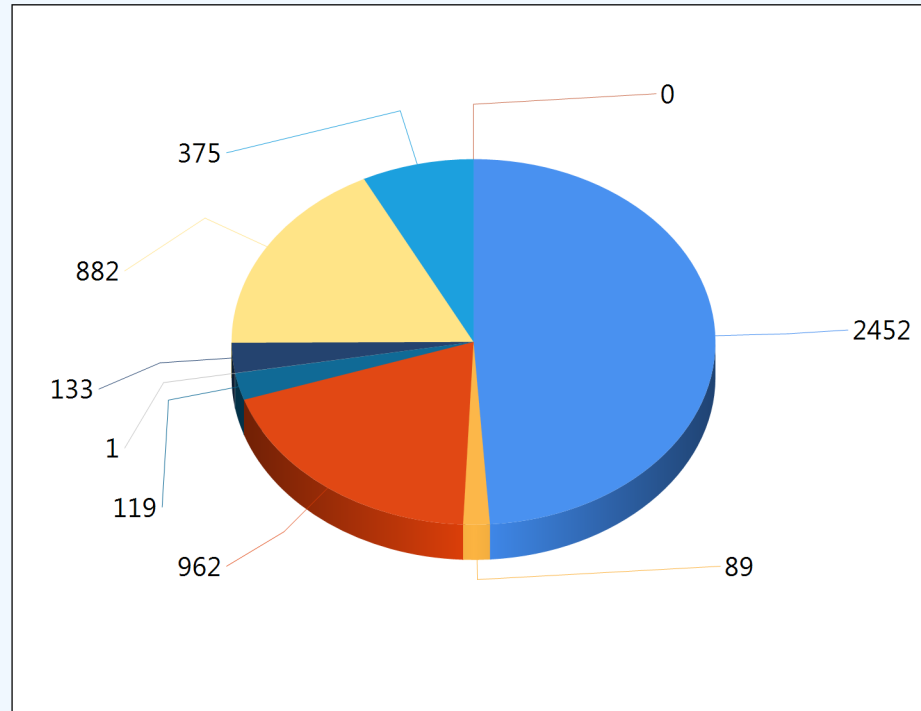


**Group Description**

- Elderly
- Working Age-Non-Passported-Disabled Child Premium
- Working Age-Non-Passported-Other
- Working Age-Non-Passported-Severe Disability
- Working Age-Non-Passported-War Pensioners
- Working Age-Passported-Disabled Child Premium
- Working Age-Passported-Other
- Working Age-Passported-Severe Disability

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CTS Caseload as of 19.11.2019



**Group Legend**

- Elderly
- Working Age-Non-Passported-Disabled Child Premium
- Working Age-Non-Passported-Other
- Working Age-Non-Passported-Severe Disability
- Working Age-Non-Passported-War Pensioners
- Working Age-Passported-Disabled Child Premium
- Working Age-Passported-Other
- Working Age-Passported-Severe Disability
- Working Age-Passported-War Pensioners

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## COUNCIL

10<sup>TH</sup> DECEMBER 2019

### REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE

#### TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2019/20

##### EXEMPT INFORMATION

None

##### PURPOSE

To present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

##### RECOMMENDATIONS

**That Council be requested to approve the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2019/20.**

##### EXECUTIVE SUMMARY

This mid-year report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (revised 2017), and covers the following:-

- An economic update for the first six months of 2019/20;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital expenditure as set out in the Capital Strategy, and Prudential Indicators;
- A review of the Council's investment portfolio for 2019/20;
- A review of the Council's borrowing strategy for 2019/20;
- A review of any debt rescheduling undertaken during 2019/20;
- A review of compliance with Treasury and Prudential Limits for 2019/20.

The main issues for Members to note are:

1. The Council has complied with the professional codes, statutes and guidance.
2. There are no issues to report regarding non-compliance with the approved prudential indicators.

3. The investment portfolio yield for the first six months of the year is 1.02% (0.77% for the same period in 2018/19) compared to the 3 Month LIBID benchmark rate of 0.66% (0.61% for the same period in 2018/19).

The aim of this report is to inform Members of the treasury and investment management issues to enable all Members to have ownership and understanding when making decisions on Treasury Management matters. In order to facilitate this, training on Treasury Management issues was most recently delivered for Members in November 2019 and will be provided as and when required.

## **RESOURCE IMPLICATIONS**

All financial resource implications are detailed in the body of this report which links to the Council's Medium Term Financial Strategy.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

Risk is inherent in Treasury Management and as such a risk based approach has been adopted throughout the report with regard to Treasury Management processes.

## **SUSTAINABILITY IMPLICATIONS**

None

## **BACKGROUND INFORMATION**

In December 2017, the Chartered Institute of Public Finance and Accountancy (CIPFA) issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities have been required to prepare a Capital Strategy which is to provide the following:-

- A high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- An overview of how the associated risk is managed
- The implications for future financial sustainability

A report setting out our updated Capital Strategy will be included with the Budget and Medium Term Financial Strategy report presented to Cabinet and Council in February 2020.

The CIPFA Code of Practice on Treasury Management (revised 2017) suggests that Members should be informed of Treasury Management activities at least twice a year, but preferably quarterly. This is the second monitoring report for 2019/20 presented to Members this year and therefore ensures the Council is embracing best practice. Cabinet also receives regular monitoring reports as part of the quarterly healthcheck on Treasury Management activities and risks.



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

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

Accordingly, Treasury Management is defined as:

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

## **Introduction**

The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (revised 2017) was adopted by this Council on 27<sup>th</sup> February 2018.

The primary requirements of the Code are as follows:

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

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first part of the 2019/20 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital expenditure as set out in the Capital Strategy, and Prudential Indicators;
- A review of the Council's investment portfolio for 2019/20;
- A review of the Council's borrowing strategy for 2019/20;
- A review of any debt rescheduling undertaken during 2019/20;
- A review of compliance with Treasury and Prudential Limits for 2019/20.

## 1. Economic Update

### 1.1 UK

This first half year has been a time of upheaval on the political front as Theresa May resigned as Prime Minister to be replaced by Boris Johnson on a platform of the UK leaving the EU on or 31 October, with or without a deal. However, in September, his proroguing of Parliament was overturned by the Supreme Court and Parliament carried a bill to delay Brexit until 31 January 2020 if there was no deal by 31 October. MPs also voted down holding a general election before 31 October, though one has since been arranged for December 12<sup>th</sup>. At the time of writing the whole Brexit situation is highly fluid and could change radically by the day. Given these circumstances and the imminent general election, any interest rate forecasts are subject to material change as the situation evolves. If the UK does soon achieve a deal on Brexit agreed with the EU then it is possible that growth could recover relatively quickly. The MPC could then need to address the issue of whether to raise Bank Rate at some point in the coming year when there is little slack left in the labour market; this could cause wage inflation to accelerate which would then feed through into general inflation. On the other hand, if there was a no deal Brexit and there was a significant level of disruption to the economy, then growth could weaken even further than currently and the MPC would be likely to cut Bank Rate in order to support growth. However, with Bank Rate still only at 0.75%, it has relatively little room to make a big impact and the MPC would probably suggest that it would be up to the Chancellor to provide help to support growth by way of a fiscal boost by e.g. tax cuts, increases in the annual expenditure budgets of government departments and services and expenditure on infrastructure projects, to boost the economy.

The first half of 2019/20 has seen UK **economic growth** fall as Brexit uncertainty took a toll. In its Inflation Report of 1 August, the Bank of England was notably downbeat about the outlook for both the UK and major world economies. The MPC meeting of 19 September reemphasised their concern about the downturn in world growth and also expressed concern that prolonged Brexit uncertainty would contribute to a build-up of spare capacity in the UK economy, especially in the context of a downturn in world growth. This mirrored investor concerns around the world which are now expecting a significant downturn or possibly even a recession in some major developed economies.

It was therefore no surprise that the Monetary Policy Committee (MPC) left Bank Rate unchanged at 0.75% throughout 2019, so far, and is expected to hold off on changes until there is some clarity on what is going to happen over Brexit. However, it is also worth noting that the new Prime Minister is making some significant promises on various spending commitments and a relaxation in the austerity programme. This will provide some support to the economy and, conversely, take some pressure off the MPC to cut Bank Rate to support growth.

As for **inflation** itself, CPI has been hovering around the Bank of England's target of 2% during 2019, but fell to 1.7% in August. It is likely to remain close to 2% over the next two years and so it does not pose any immediate concern to the MPC at the current time. However, if there was a no deal Brexit, inflation could rise towards 4%, primarily as a result of imported inflation on the back of a weakening pound.

With regard to the **labour market**, despite the contraction in quarterly GDP growth of -0.2% q/q, (+1.3% y/y), in quarter 2, employment continued to rise, but at only a muted rate of 31,000 in the three months to July after having risen by no less than 115,000 in quarter 2 itself: the latter figure, in particular, suggests that firms are preparing to expand output and suggests there could be a return to positive growth in quarter 3. Unemployment continued at a 44 year low of 3.8% on the Independent Labour Organisation measure in July and the participation rate of 76.1% achieved a new all-time high. Job vacancies fell for a seventh consecutive month after having previously hit record levels. However, with unemployment continuing to fall, this month by 11,000, employers will still be having difficulty filling job vacancies with suitable staff. It was therefore unsurprising that wage inflation picked up to a high point of 3.9% in June before easing back slightly to 3.8% in July, (3 month average regular pay, excluding bonuses). This meant that in real terms, (i.e. wage rates higher than CPI inflation), earnings grew by about 2.1%. As the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months. The latest GDP statistics also included a revision of the savings ratio from 4.1% to 6.4% which provides reassurance that consumers' balance sheets are not over stretched and so will be able to support growth going forward. This would then mean that the MPC will need to consider carefully at what point to take action to raise Bank Rate if there is an agreed Brexit deal, as the recent pick-up in wage costs is consistent with a rise in core services inflation to more than 4% in 2020.

In the **political arena**, the general election could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up although, conversely, a weak international backdrop could provide further support for low yielding government bonds and gilts.

## **1.2 USA.**

President Trump's massive easing of fiscal policy in 2018 fuelled a temporary boost in consumption in that year which generated an upturn in the rate of strong growth to 2.9% y/y. Growth in 2019 has been falling back after a strong start in quarter 1 at 3.1%, (annualised rate), to 2.0% in quarter 2. Quarter 3 is expected to fall further. The strong growth in employment numbers during 2018 has reversed into a falling trend during 2019, indicating that the economy is cooling, while inflationary pressures are also weakening. The Fed finished its series of increases in rates to 2.25 – 2.50% in December 2018. In July 2019, it cut rates by 0.25% as a 'midterm adjustment' but flagged up that this was not to be seen as the start of a series of cuts to ward off a downturn in growth. It also ended its programme of quantitative tightening in August, (reducing its holdings of treasuries etc). It then cut rates again in September to 1.75% - 2.00% and is thought likely to cut another 25 bps in December. Investor confidence has been badly rattled by the progressive ramping up of increases in tariffs President Trump has made on Chinese imports and China has responded with increases in tariffs on American imports. This trade war is seen as depressing US, Chinese and world growth. In the EU, it is also particularly impacting Germany as exports of goods and services are equivalent to 46% of total GDP. It will also impact developing countries dependent on exporting commodities to China.

## **1.3 EUROZONE**

Growth has been slowing from +1.8 % during 2018 to around half of that in 2019. Growth was +0.4% q/q (+1.2% y/y) in quarter 1 and then fell to +0.2% q/q (+1.0% y/y) in quarter 2; there appears to be little upside potential to the growth rate in the rest of 2019. German GDP growth fell to -0.1% in quarter 2; industrial production was down 4% y/y in June with car production down 10% y/y. Germany would be particularly vulnerable to a no deal Brexit depressing exports further and if President Trump imposes tariffs on EU produced cars. The European Central Bank (ECB) ended its programme of quantitative easing purchases of debt in December 2018, which meant that the central banks in the US, UK and EU had all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in EZ growth in the second half of 2018 and into 2019, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), has prompted the ECB to take new measures to stimulate growth. At its March meeting it said that it expected to leave interest rates at their present levels "at least through the end of 2019", but that was of little help to boosting growth in the near term. Consequently, it announced a third round of TLTROs; this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new TLTROs will include an incentive to encourage bank lending, and they will be capped at 30% of a bank's eligible loans. However, since then, the downturn in EZ and world growth has gathered momentum so at its meeting on 12 September, it cut its deposit rate further into negative territory, from -0.4% to -0.5%, and announced a resumption of quantitative easing purchases of debt. It also increased the maturity of the third round of TLTROs from two to three years. However, it is doubtful whether this loosening of monetary policy will have much impact on growth and unsurprisingly, the ECB stated that governments will need to help stimulate growth by fiscal policy.

On the political front, Austria, Spain and Italy are in the throes of forming coalition governments with some unlikely combinations of parties i.e. this raises questions around their likely endurance. The recent results of two German state elections will put further pressure on the frail German CDU/SDP coalition government.

#### **1.4 CHINA**

Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems. Progress also still needs to be made to eliminate excess industrial capacity and to switch investment from property construction and infrastructure to consumer goods production. The trade war with the US does not appear currently to have had a significant effect on GDP growth as some of the impact of tariffs has been offset by falls in the exchange rate and by transshipping exports through other countries, rather than directly to the US.

#### **1.5 JAPAN**

Japan has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

#### **1.6 WORLD GROWTH**

The trade war between the US and China is a major concern to financial markets and is depressing worldwide growth, as any downturn in China will spill over into impacting countries supplying raw materials to China. Concerns are focused on the synchronised general weakening of growth in the major economies of the world compounded by fears that there could even be a recession looming up in the US, though this is probably overblown. These concerns have resulted in government bond yields in the developed world falling significantly during 2019. If there were a major worldwide downturn in growth, central banks in most of the major economies will have limited ammunition available, in terms of monetary policy measures, when rates are already very low in most countries, (apart from the US), and there are concerns about how much distortion of financial markets has already occurred with the current levels of quantitative easing purchases of debt by central banks. The latest PMI survey statistics of economic health for the US, UK, EU and China have all been sub 50 which gives a forward indication of a downturn in growth; this confirms investor sentiment that the outlook for growth during the rest of this financial year is weak.

## 1.7 Interest rate forecasts

The Council's treasury advisor, Link Asset Services, has provided the following forecast. This forecast includes the increase in margin over gilt yields of 100bps introduced on 9.10.19.

Link Asset Services Interest Rate View										
	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.25
3 Month LIBID	0.70	0.70	0.70	0.80	0.90	1.00	1.00	1.00	1.10	1.20
6 Month LIBID	0.80	0.80	0.80	0.90	1.00	1.10	1.10	1.20	1.30	1.40
12 Month LIBID	1.00	1.00	1.00	1.10	1.20	1.30	1.30	1.40	1.50	1.60
5yr PWLB Rate	2.30	2.50	2.60	2.70	2.70	2.80	2.90	3.00	3.00	3.10
10yr PWLB Rate	2.60	2.80	2.90	3.00	3.00	3.10	3.20	3.30	3.30	3.40
25yr PWLB Rate	3.30	3.40	3.50	3.60	3.70	3.70	3.80	3.90	4.00	4.00
50yr PWLB Rate	3.20	3.30	3.40	3.50	3.60	3.60	3.70	3.80	3.90	3.90

The above forecasts have been based on an assumption that there is some sort of muddle through to an agreed deal on Brexit at some point in time. Given the current level of uncertainties, this is a huge assumption and so forecasts may need to be materially reassessed in the light of events over the next few weeks or months.

It has been little surprise that the Monetary Policy Committee (MPC) has left Bank Rate unchanged at 0.75% so far in 2019 due to the ongoing uncertainty over Brexit. In its meeting on 1 August, the MPC became more dovish as it was more concerned about the outlook for both the global and domestic economies. That's shown in the policy statement, based on an assumption that there is an agreed deal on Brexit, where the suggestion that rates would need to rise at a "gradual pace and to a limited extent" is now also conditional on "some recovery in global growth". Brexit uncertainty has had a dampening effect on UK GDP growth in 2019, especially around mid-year. If there were a no deal Brexit, then it is likely that there will be a cut or cuts in Bank Rate to help support economic growth. The September MPC meeting sounded even more concern about world growth and the effect that prolonged Brexit uncertainty is likely to have on growth.

**Bond yields / PWLB rates.** There has been much speculation recently that we are currently in a bond market bubble. However, given the context that there are heightened expectations that the US could be heading for a recession, and a general background of a downturn in world economic growth, together with inflation generally at low levels in most countries and expected to remain subdued, conditions are ripe for low bond yields. While inflation targeting by the major central banks has been successful over the last thirty years in lowering inflation expectations, the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last thirty years. We have therefore seen over the last year, many bond yields up to ten years in the Eurozone actually turn negative. In addition, there has, at times, been an inversion of bond yields in the US whereby ten year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession.

The other side of this coin is that bond prices are elevated as investors would be expected to be moving out of riskier assets i.e. shares, in anticipation of a downturn in corporate earnings and so selling out of equities. However, stock markets are also currently at high levels as some investors have focused on chasing returns in the context of dismal ultra-low interest rates on cash deposits.

What we saw during the last half year up to 30 September is a near halving of longer term PWLB rates to completely unprecedented historic low levels. There is though, an expectation that financial markets have gone too far in their fears about the degree of the downturn in US and world growth. If, as expected, the US only suffers a mild downturn in growth, bond markets in the US are likely to sell off and that would be expected to put upward pressure on bond yields, not only in the US, but due to a correlation between US treasuries and UK gilts, which at various times has been strong but at other times weaker, in the UK. However, forecasting the timing of this and how strong the correlation is likely to be, is very difficult to do with any degree of confidence.

One potential danger that may be lurking in investor minds is that Japan has become mired in a twenty year bog of failing to get economic growth and inflation up off the floor, despite a combination of massive monetary and fiscal stimulus by both the central bank and government. Investors could be fretting that this condition might become contagious.

Another danger is that unconventional monetary policy post 2008, (ultra-low interest rates plus quantitative easing), may end up doing more harm than good through prolonged use. Low interest rates have encouraged a debt fuelled boom which now makes it harder for economies to raise interest rates. Negative interest rates could damage the profitability of commercial banks and so impair their ability to lend and / or push them into riskier lending. Banks could also end up holding large amounts of their government's bonds and so create a potential doom loop. (A doom loop would occur where the credit rating of the debt of a nation was downgraded which would cause bond prices to fall, causing losses on debt portfolios held by banks and insurers, so reducing their capital and forcing them to sell bonds – which, in turn, would cause further falls in their prices etc.). In addition, the financial viability of pension funds could be damaged by low yields on holdings of bonds.

### **The balance of risks to the UK**

- The overall balance of risks to economic growth in the UK is probably to the downside due to the weight of all the uncertainties over Brexit, as well as a softening global economic picture.
- The balance of risks to increases in Bank Rate and shorter term PWLB rates are broadly similarly to the downside.

One risk that is both an upside and downside risk is that all central banks are now working in very different economic conditions than before the 2008 financial crash. There has been a major increase in consumer and other debt due to the exceptionally low levels of borrowing rates that have prevailed for eleven years since 2008. This means that the neutral rate of interest in an economy, (i.e. the rate that is neither expansionary nor deflationary), is difficult to determine definitively in this new environment, although central banks have made statements that they expect it to be much lower than before 2008. Central banks could, therefore, over or under-do increases in central interest rates.

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

- **Brexit** – if it were to cause significant economic disruption and a major downturn in the rate of growth.
- **Bank of England** takes action too quickly, or too far, over the next three years to raise Bank Rate and causes UK economic growth, and increases in inflation, to be weaker than we currently anticipate.
- A resurgence of the **Eurozone sovereign debt crisis**. In 2018, Italy was a major concern due to having a populist coalition government which made a lot of anti-austerity and anti-EU noise. However, in September 2019 there was a major change in the coalition governing Italy which has brought to power a much more EU friendly government; this has eased the pressure on Italian bonds. Only time will tell whether this new unlikely alliance of two very different parties will endure.
- Weak capitalisation of some **European banks**, particularly Italian banks.
- **German minority government**. In the German general election of September 2017, Angela Merkel's CDU party was left in a vulnerable minority position dependent on the fractious support of the SPD party, as a result of the rise in popularity of the anti-immigration AfD party. Then in October 2018, the results of the Bavarian and Hesse state elections radically undermined the SPD party and showed a sharp fall in support for the CDU. As a result, the SPD had a major internal debate as to whether it could continue to support a coalition that is so damaging to its electoral popularity. After the result of the Hesse state election, Angela Merkel announced that she would not stand for re-election as CDU party leader at her party's convention in December 2018. However, this makes little practical difference as she has continued as Chancellor, though more recently concerns have arisen over her health.
- **Other minority EU governments**. Austria, Sweden, Spain, Portugal, Netherlands and Belgium all have vulnerable minority governments dependent on coalitions which could prove fragile.
- **Italy, Austria, the Czech Republic and Hungary** now form a strongly anti-immigration bloc within the EU. There has also been rising anti-immigration sentiment in Germany and France.
- There are concerns around the level of **US corporate debt** which has swollen massively during the period of low borrowing rates in order to finance mergers and acquisitions. This has resulted in the debt of many large corporations being downgraded to a BBB credit rating, close to junk status. Indeed, 48% of total investment grade corporate debt is rated at BBB. If such corporations fail to generate profits and cash flow to reduce their debt levels as expected, this could tip their debt into junk ratings which will increase their cost of financing and further negatively impact profits and cash flow.
- **Geopolitical risks**, for example in North Korea, but also in Europe and the Middle East, which could lead to increasing safe haven flows.

**Upside risks to current forecasts for UK gilt yields and PWLB rates**

- **Brexit** – if agreement was reached all round that removed all threats of economic and political disruption between the EU and the UK.



- The **Bank of England is too slow** in its pace and strength of increases in Bank Rate and, therefore, allows inflationary pressures to build up too strongly within the UK economy, which then necessitates a later rapid series of increases in Bank Rate faster than we currently expect.
- **UK inflation**, whether domestically generated or imported, returning to sustained significantly higher levels causing an increase in the inflation premium inherent to gilt yields.

## 2. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy Statement (TMSS) for 2019/20 was approved by Council on 26th February 2019.

There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

## 3. The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

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

### 3.1 Prudential Indicator for Capital Expenditure

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

Capital Expenditure	2019/20 Original Programme	Budget B'fwd from 2018/19	Virements in Year	Total 2019/20 Budget	Actual Spend @ Period 6	Predicted Outturn	2019/20 Revised Estimate*
	£m	£m	£m	£m	£m	£m	£m
General Fund	0.983	17.929	-	18.912	3.155	8.494	18.315
HRA	8.927	22.354	-	31.281	9.000	27.413	29.883
<b>Total</b>	<b>9.910</b>	<b>40.283</b>	<b>-</b>	<b>50.193</b>	<b>12.156</b>	<b>35.908</b>	<b>48.198</b>

\* Includes potential expenditure slippage into 2020/21 of £12.29m relating mainly to Gungate development, Gateways projects, Amington Woodland & Cycleway, Property Fund investments and Solway LATC, High Rise lifts and Tinkers Green and Kerria redevelopment.

### 3.2 Changes to the Financing of the Capital Programme

The following table draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. Any borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision).

This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2019/20	2019/20	2019/20
	Capital Programme	Predicted Outturn	Budget *
	£m	£m	£m
Unsupported	0.295	6.278	8.668
Supported	9.615	29.630	41.525
<b>Total spend</b>	<b>9.910</b>	<b>35.908</b>	<b>50.193</b>
Financed by:			
Grants - Disabled Facilities	0.400	0.400	0.400
Coalfields Grant	-	-	0.222
Section 106's	0.100	0.437	1.032
GF Receipts	-	4.624	13.359
GF Reserve	-	0.614	1.055
Sale of Council House Receipts	0.188	0.487	0.601
HRA Receipts	2.150	3.368	3.368
HLF Assembly Rooms Lottery	-	0.128	0.128
Grants - Assembly Rooms (SLGF/Arts Council)	-	0.081	0.081
Public Contributions (Assembly Rooms)	-	-	0.050
HLF/Donation - Castle Mercian Trail	-	0.470	0.531
Other Contributions	-	-	-
MRR	2.805	5.315	5.463
HRA 1-4-1 Replacements Receipts	0.650	0.784	1.034
HRA Reserve	2.422	9.556	10.286
HRA Regeneration Fund	0.900	3.366	3.916
<b>Total Financing</b>	<b>9.615</b>	<b>29.630</b>	<b>41.525</b>
<b>Borrowing need</b>	<b>0.295</b>	<b>6.278</b>	<b>8.668</b>

\* includes potential expenditure slippage into 2020/21

However, it should be noted that due to receipt of Homes England grant of c.£5m, it is likely that the planned borrowing for the Regeneration of Tinkers Green and Kerria will be reduced to c.£2m.

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

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

#### Prudential Indicator – Capital Financing Requirement

We are on target to achieve the original forecast Capital Financing Requirement.

#### Prudential Indicator – the Operational Boundary for External Debt

	2018/19	2019/20	2019/20	2019/20
	Outturn	Capital Programme	Projected Outturn	Budget
	£m	£m	£m	£m
CFR – Non Housing	0.828	2.235	1.959	2.159
CFR – Housing	68.041	75.255	73.065	75.255
Total CFR	68.869	77.490	75.024	77.414
<b>Net movement in CFR</b>	<b>(0.057)</b>	<b>8.412</b>	<b>6.155</b>	<b>8.545</b>
Operational Boundary				
Expected Borrowing	63.060	63.060	63.060	63.060
Other long term liabilities	-	-	-	-
<b>Total debt 31st March</b>	<b>63.060</b>	<b>63.060</b>	<b>63.060</b>	<b>63.060</b>

### 3.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2019/20 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2018/19	2019/20	2019/20	2019/20
	Outturn	Original Estimate	Projected Outturn	Budget
	£m	£m	£m	£m
Gross borrowing	63.060	63.060	63.060	63.060
Less investments	68.761	26.369	43.805	41.415
Net borrowing	(5.701)	36.691	19.255	21.645
CFR (year end position)	68.869	77.490	75.024	77.414

The Executive Director Finance reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.

A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

<b>Authorised Limit for External Debt</b>	<b>2019/20 Original Indicator</b>	<b>Current Position</b>	<b>2019/20 Revised Indicator</b>
Borrowing	84.642	84.642	84.642
Total	84.642	84.642	84.642

#### **4. Investment Portfolio 2019/20**

In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As shown by forecasts in Section 1, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the current 0.75% Bank Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short-term strategy. Given this risk environment and the fact that increases in Bank Rate are likely to be gradual and unlikely to return to the levels seen in previous decades, investment returns are likely to remain low.

The Council held £66.634m of investments as at 30<sup>th</sup> September 2019, excluding investments in property funds (£64.94m at 31<sup>st</sup> March 2019) and the investment portfolio yield for the first six months of the year is 1.02% against a benchmark of the 3 months LIBID of 0.66%. A full list of investments held as at 30<sup>th</sup> September 2019 is detailed in **APPENDIX 1**.

The Executive Director Finance confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2019/20.

The Council's budgeted investment return for 2019/20 is £418k, and performance for the year is projected to be £250k above budget, due to additional funds available to invest (due to increased capital slippage). However, a shortfall of £91k in respect of property fund interest and dividends is forecast, due to a delay in making any further investments in property funds due to the uncertainty around the Brexit and the current economic situation. The value of property fund investments as at 30<sup>th</sup> September 2019 was £3.78m (£3.82m at 31<sup>st</sup> March 2019).

## CIPFA Benchmarking Club

The Council is a member of the CIPFA Treasury Management Benchmarking Club which is a means to assess our performance over the year against other members. Our average return for In House Investments for the period April to September 2019 was 1.0% compared to the group average of 1.02% (information from CIPFA Benchmarking Report Quarter 2 2019/20). This is considered to be a reasonable result in light of the current financial climate, our lower levels of deposits/funds and shorter investment time-lines due to Banking sector uncertainty, when compared to other Authorities.

This can be analysed further into the following categories:

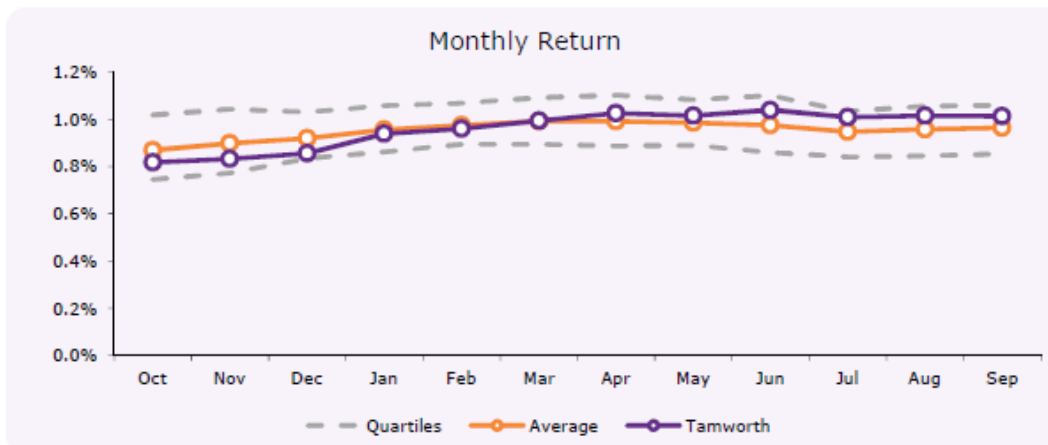
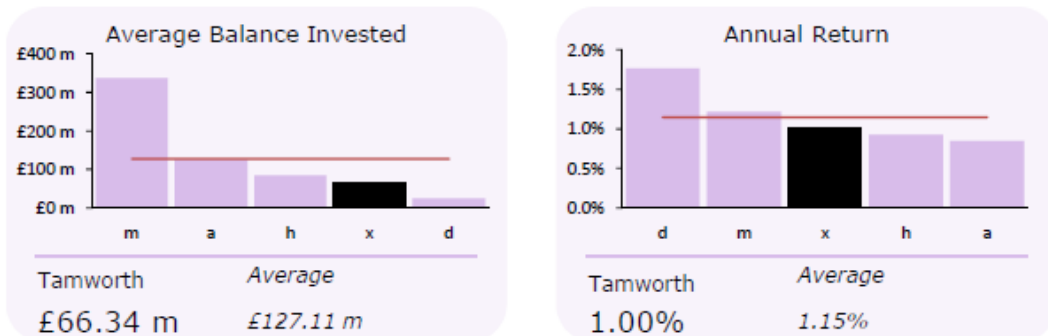
Category	Average Balance Invested		Average Annual Return Received	
	£m		%	
	Tamworth Borough Council	CIPFA Benchmarking Club	Tamworth Borough Council	CIPFA Benchmarking Club
Fixed Investments (up to 30 days)	-	0.1	-	0.8
Fixed Investments (between 31 and 90 days)	-	2.2	-	0.8
Fixed Investments (between 91 and 364 days)	20.1	35.3	1.1	1.4
Fixed Investments (between 1 year and 3 years)	6.6	45.8	1.0	1.0
Fixed Investments (over 3 years)	-	8.0	-	1.8
Callable and Structured Deposits	-	28.7	-	1.3
Notice Accounts	20.0	11.2	1.0	1.3
Money Market Funds (Constant Net Asset Value)	11.6	23.7	0.7	0.9
Money Market Funds (Variable Net Asset Value)	-	18.0	-	0.5
DMADF	-	0.6	-	0.5
CDs, Gilts and Bonds	7.9	7.2	1.2	2.9
<b>Average of all investments (Managed in House)</b>	<b>66.3</b>	<b>127.1</b>	<b>1.0</b>	<b>1.2</b>

\* Excludes property funds / Variable rate MMF

The data above and graphs below display that despite the Council being a small investor in the markets, in the main performance is only marginally lower in those areas where both the Council and other member authorities invest.

The main variances arise from longer term fixed investments (in excess of 1 year) and instruments that the council do not currently get involved with i.e. Callable and Structured Deposits which are longer term deposits which (in line with our use of the Link Asset Services methodology and our approved specified limits in our Treasury Management strategy) are currently prohibited for Tamworth Borough Council and affirms our 'low appetite for risk' in the continuing unsettled markets.

### Combined Investments (excl. impaired investments)



Monthly Return (Oct 18 - Sept 19)													
	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Year
Balance £'m	70.4	69.8	71.7	73.4	71.2	67.5	67.4	66.9	67.0	68.2	68.9	70.3	<b>66.3</b>
Interest £'k	48.8	47.8	52.1	58.4	52.3	57.0	56.8	57.6	57.2	58.4	59.3	58.5	<b>664.1</b>
Return	0.82%	0.83%	0.86%	0.94%	0.96%	0.99%	1.02%	1.01%	1.04%	1.01%	1.01%	1.01%	<b>1.00%</b>
Upper Quartile	1.02%	1.04%	1.03%	1.06%	1.07%	1.09%	1.10%	1.08%	1.10%	1.03%	1.05%	1.06%	<b>1.49%</b>
Average	0.87%	0.90%	0.92%	0.95%	0.97%	0.99%	0.99%	0.98%	0.97%	0.95%	0.96%	0.96%	<b>1.15%</b>
Lower Quartile	0.74%	0.77%	0.83%	0.86%	0.89%	0.89%	0.89%	0.89%	0.86%	0.84%	0.84%	0.85%	<b>0.88%</b>
% Diff from Avg	-0.05%	-0.06%	-0.06%	-0.02%	-0.02%	0.00%	0.03%	0.03%	0.06%	0.06%	0.06%	0.05%	<b>-0.15%</b>

### **Investment Counterparty Criteria**

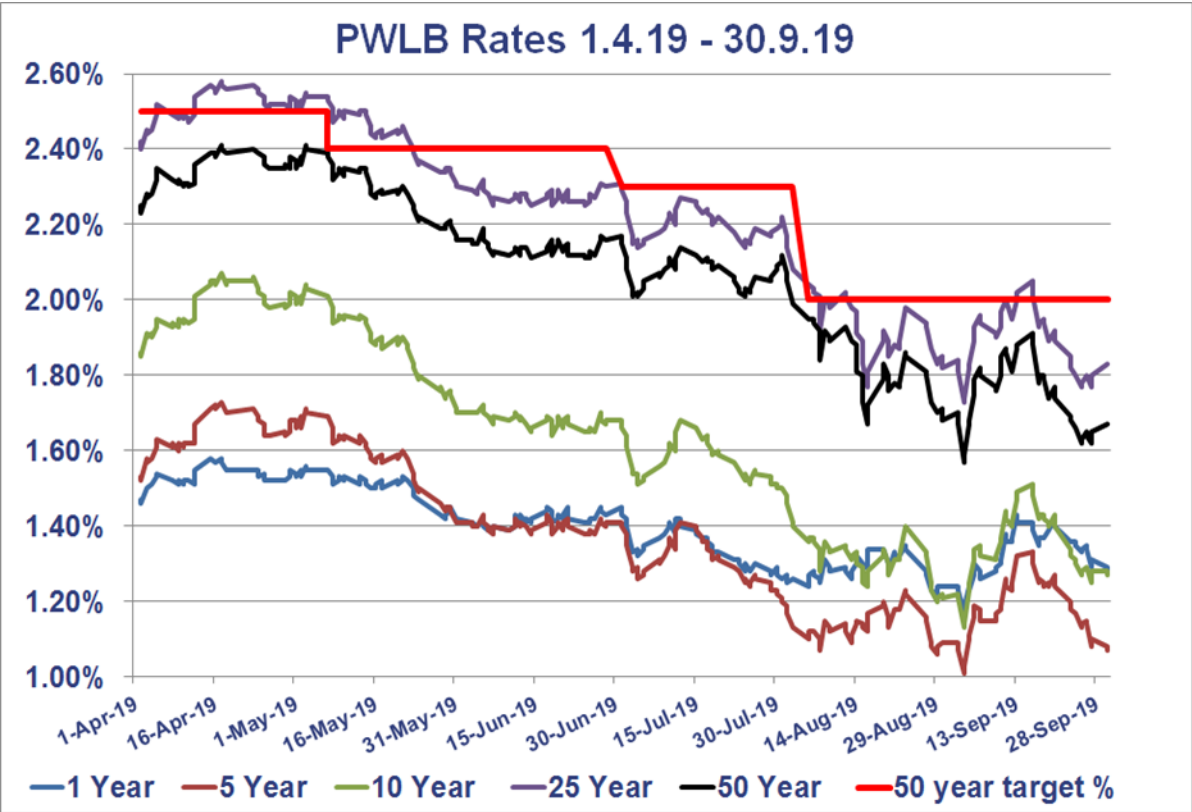
The current investment counterparty criteria selection approved in the TMSS and as approved by Council on 26th February 2019 meets the requirements of the Treasury Management function.

### **5. Borrowing**

The Council's estimated revised capital financing requirement (CFR) for 2019/20 is £75.024m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 3.4 shows the Council has borrowings of £63.060m and plans to utilise £11.964m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring in the event that upside risk to gilt yields prevails.

It is not anticipated that any additional borrowing will be undertaken during 2019/20.

The table and graph below show the movement in PWLB Certainty Rates for the first six months of the year to date. PWLB rates have been on a falling trend during this period and longer rates have almost halved to reach historic lows. The 50 year PWLB target (certainty) rate for new long term borrowing fell from 2.5% to 2% during this period.



	1 Year	5 Year	10 Year	25 Year	50 Year
Low	1.17%	1.01%	1.13%	1.73%	1.57%
Date	03/09/2019	03/09/2019	03/09/2019	03/09/2019	03/09/2019
High	1.58%	1.73%	2.07%	2.58%	2.41%
Date	15/04/2019	17/04/2019	17/04/2019	17/04/2019	17/04/2019
Average	1.40%	1.37%	1.62%	2.20%	2.07%

**Increase in the cost of borrowing from the PWLB**

On 9 October 2019 the Treasury and PWLB announced an increase in the margin over gilt yields of 100bps on top of the current margin of 80 bps which this authority has paid prior to this date for new borrowing from the PWLB. There was no prior warning that this would happen and it now means that every local authority has to fundamentally reassess how to finance their external borrowing needs and the financial viability of capital projects in their capital programme due to this unexpected increase in the cost of borrowing. Representations are going to be made to HM Treasury to suggest that areas of capital expenditure that the Government are keen to see move forward e.g. housing, should not be subject to such a large increase in borrowing.

Whereas this authority has previously relied on the PWLB as its main source of funding, it now has to fundamentally reconsider alternative cheaper sources of borrowing. At the current time, this is a developmental area as this event has also taken the financial services industry by surprise. We are expecting that various financial institutions will enter the market or make products available to local authorities. Members will be updated as this area evolves.



It is possible that the Municipal Bond Agency will be offering loans to local authorities in the future. This Authority may make use of this new source of borrowing as and when appropriate.

## 6. Debt Rescheduling

Debt rescheduling opportunities have been very limited in the current economic climate given the consequent structure of interest rates, and following the increase in the margin added to gilt yields which has impacted PWLB new borrowing rates since October 2010. No debt rescheduling has therefore been undertaken to date in the current financial year.

The 100bps increase in PWLB rates from 9.10.19 only applied to new borrowing rates, not to premature repayment rates.

## 7. Changes in risk appetite

The 2018 CIPFA Codes and guidance notes have placed enhanced importance on risk management. Where an authority changes its risk appetite e.g. for moving surplus cash into or out of certain types of investment funds or other types of investment instruments, this change in risk appetite and policy should be brought to members' attention in treasury management update reports. There are no such changes to report to Members at this stage.

## REPORT AUTHOR

Please contact Stefan Garner, Executive Director Finance, extension 242, or Jo Goodfellow, Head of Finance, extension 241.

## LIST OF BACKGROUND PAPERS

<i>Background Papers -</i>	<i>Local Government Act 2003</i>
	<i>CIPFA Code of Practice on Treasury Management in Public Services 2017</i>
	<i>Annual Report on the Treasury Management Service and Actual Prudential Indicators 2018/19 – Council 10<sup>th</sup> September 2019</i>
	<i>Treasury Management Strategy &amp; Prudential Indicators Report 2019/20 - Council 26th February 2019</i>
	<i>Budget &amp; Medium Term Financial Strategy 2019/20 - Council 26th February 2019</i>
	<i>Financial Healthcheck Period 6, September 2019</i>
	<i>CIPFA Treasury Management Benchmarking Club Report Quarter 2, September 2019</i>

**APPENDIX 1**

**Investments held as at 30<sup>th</sup> September 2019:**

Borrower	Deposit £	Rate %	From	To	Notice
National Westminster Bank plc	4,001,183	1.1300%	27-Nov-18	26-Nov-19	-
Lloyds Bank	1,000,000	1.1000%	30-Nov-18	29-Nov-19	-
Lloyds Bank	1,000,000	1.1000%	30-Nov-18	29-Nov-19	-
Bank of Scotland	2,000,000	1.1000%	03-Jan-19	03-Jan-20	-
Bank of Scotland	2,000,000	1.1000%	04-Jan-19	03-Jan-20	-
Lloyds Bank	1,000,000	1.1000%	08-Feb-19	07-Feb-20	-
Bank of Scotland	2,000,000	1.1000%	11-Feb-19	10-Feb-20	-
Thurrock Council	7,000,000	1.1200%	13-Mar-19	13-Feb-20	-
Lloyds Bank	2,000,000	1.2500%	03-Apr-19	03-Apr-20	-
Lloyds Bank	2,000,000	1.2500%	03-Apr-19	03-Apr-20	-
Barclays Bank	2,000,000	0.8400%	05-Apr-19	07-Oct-19	-
Thurrock Council	3,000,000	0.9000%	10-Apr-19	10-Oct-19	-
National Westminster Bank plc	2,000,791	0.9200%	28-Jun-19	26-Jun-20	-
National Westminster Bank plc	4,001,583	0.8300%	05-Jul-19	26-Jun-20	-
Goldman Sachs	10,000,000	1.17%	-	-	180 day
Santander	10,000,000	1.00%	-	-	180 day
MMF – PSDF	2,187,000	0.73%*	-	-	On call
MMF – Federated	3,000,000	0.96%*	-	-	On call
MMF – Federated	3,446,504	0.73%*	-	-	On call
<b>Total</b>	<b>63.634</b>	<b>1.02 (avg)</b>			

\* Interest rate fluctuates daily dependant on the funds investment portfolio, rate quoted is approximate 7 day average.

## COUNCIL

10 DECEMBER 2019

### REPORT OF THE PORTFOLIO HOLDER FOR REGULATORY AND COMMUNITY SAFETY

#### ADOPTION OF THE PROPOSED LICENSING POLICY 2020 - 2023

#### EXEMPT INFORMATION

None.

#### PURPOSE

To seek Council approval and adoption of Tamworth's Statement of Licensing Policy 2020-2023 and Cumulative Impact Assessment 2020 – 2023 under the Licensing Act 2003.

#### RECOMMENDATIONS

It is recommended that:

1. Council approve and adopt the final amended version of Tamworth's Statement of Licensing Policy 2020 – 2023 and Cumulative Impact Assessment 2020 – 2023.
2. To undertake an initial review by Tamworth Borough Council Officers, as soon as possible, of the cumulative impact assessment, within the guidelines of policy.

#### EXECUTIVE SUMMARY

The current Statement of Licensing Policy expires in December 2019. In order for the Council to fulfil its statutory obligations under the Act, it is necessary to adopt a new policy before the end of December 2019. In addition a proposed Cumulative Impact Assessment in respect of the town centre area is also presented for approval and adoption.

At a meeting of the Licensing Committee on the 20 June 2019, Members considered a report on the consultation process due to commence to review the policy and the proposed cumulative impact assessment. The Borough Council has consulted widely on the review of its current statement of licensing policy and the cumulative impact assessment and a list of those consulted is attached as

**Appendix 1** to this report. A total of 10 responses were received which are summarised in the table at **Appendix 2**.

On the 22 August 2019 Members of the Licensing Committee were given the opportunity to contribute to the policy review. At a meeting of Licensing Committee on 21 November 2019 (Agenda item 4 refers), the Committee considered a draft version of Tamworth's revised statement of licensing policy and the cumulative impact assessment, incorporating all valid and relevant consultation responses and other amendments required to update the policy. At the meeting, Licensing Committee resolved to:

- a) Endorse the final amended version of Tamworth's Statement of Licensing Policy and the proposed Cumulative Impact assessment
- b) Refer the revised Statement of Licensing Policy and the proposed Cumulative Impact assessment to Cabinet and Council for approval and adoption
- c) Review as soon as possible the cumulative impact assessment within the guidelines of policy.

The revised policy and cumulative impact assessment were then considered by Members of the Infrastructure Safety & Growth Committee at their meeting on 25 November 2019 and referred to Cabinet for consideration on 28 November 2019.

To ensure that statutory deadlines for the publication of reports and agendas were met, this report was written prior to the meeting of Infrastructure Safety & Growth Committee and of Cabinet on 28 November 2019, therefore recommendations made by Infrastructure Safety & Growth Committee and the decision of Cabinet will be reported verbally to Council.

The proposed revised document is attached as **Appendix 3** to this report.

## **OPTIONS CONSIDERED**

Not applicable as this is a statutory process.

## **RESOURCE IMPLICATIONS**

There are no resource implications arising from this consultation process.

## **LEGAL/RISK IMPLICATIONS**

The Council is required by the Licensing Act 2003 to ensure that the policy is reviewed and updated.

## **EQUALITIES IMPLICATIONS**

A Community Impact Assessment has been undertaken in respect of the proposed revised licensing policy and cumulative impact assessment which is attached as **Appendix 4** to this report.



## **SUSTAINABILITY IMPLICATIONS**

Tamworth Borough Council's licensing policy and the proposed cumulative impact assessment will form a central part in the support, control and regulation of the economy, in particular evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with the appropriate use of the review process can significantly contribute towards crime reduction and enhance Tamworth's reputation as a place to live and visit.

## **FINANCIAL IMPLICATIONS**

The costs of consultation and publication of the revised policy will be met from existing budgets.

## **BACKGROUND**

The introduction of new legislation for example the Deregulation Act 2015; the Immigration Act 2016 and the Policing and Crime Act 2017 along with the need to comply with provisions to maintain a current policy have brought about a number of changes to the current Licensing Policy.

One of the recent changes to the Licensing Act 2003 since the current Licensing Policy (2015 – 2020) was adopted has been made by the Policing and Crime Act 2017. This Act amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

The proposed cumulative impact assessment relates to the Tamworth Town Centre area. The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Statement of Licensing Policy since May 2005. There are no changes to the area within the assessment. Further information and evidence in respect of the cumulative impact assessment can be found in Appendix 3 of the Draft Statement of Licensing Policy.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate.

That said, it is proposed that the revised policy (2020 – 2023) will be reviewed in 3 years. This is because the revised statement of licensing policy includes a proposed cumulative impact assessment and new legislation in relation to cumulative impact assessment requires that the assessment is reviewed and consulted upon every 3 years from the date it comes into force. As the two policies/documents are intrinsically linked, it is proposed that they should be consulted upon and reviewed at the same time.

Tamworth Borough Council adopted the current Statement of Licensing Policy on 16 December 2014. The Statement of Licensing policy must be revised, adopted and published by 1 January 2020. The Cumulative Impact Assessment is also presented for consideration and adoption.

The changes that have been made to the existing policy (2015 – 2020) are shown in RED within the document at **Appendix 3** and the more significant changes that have been made are also summarised in the table at **Appendix 5**.

## **REPORT AUTHOR**

*If Members would like further information or clarification prior to the meeting, please contact Colin John, Environmental Health Officer; Tel 01827 709429; e mail colin-john@tamworth.gov.uk*

## **APPENDICES**

- |                   |   |
|-------------------|---|
| <b>Appendix 1</b> | List of Individuals and Groups Consulted.                                       |
| <b>Appendix 2</b> | Schedule of Consultation Responses Received.                                    |
| <b>Appendix 3</b> | Draft Revised Tamworth Borough Council Statement of Licensing Policy 2020-2023. |
| <b>Appendix 4</b> | Community Impact Assessment   |
| <b>Appendix 5</b> | Table of Amendments to be Included in Proposed Policy (2020 – 2023).            |

## **LIST OF BACKGROUND PAPERS**

1. Licensing Act 2003.
2. Revised Guidance under s182 of the Licensing Act 2003.

3. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 20 June 2019.
4. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 22 August 2019.
5. Report of the Assistant Director, Growth and Regeneration to Licensing Committee 21 November 2019.
6. Report of the Portfolio Holder for Regulatory and Community Safety to Cabinet 28 November 2019.



### LIST OF INDIVIDUALS AND GROUPS CONSULTED

- Premises Licence / personal licence holders within the Borough via Tamworth Borough Council web site and notice on display at Marmion House
- Club Premises Certificates holders within the Borough via Tamworth Borough Council web site
- Local Residents via Tamworth Borough Council web site and notice on display at Marmion House
- Staffordshire Police
- Staffordshire Fire & Rescue
- Staffordshire County Council - Department of Social Care & Health
- Staffordshire County Council - Trading Standards
- Staffordshire County Council - Highways Department
- Staffordshire County Council – Planning
- Home Office (Immigration Enforcement)
- Health & Safety Executive
- TBC - Chief Executive
- TBC – Assistant Directors
- TBC - Environmental Protection Team
- TBC - Planning
- TBC - Legal Services
- TBC - Crime & Disorder Partnership
- TBC - Local Strategic Partnership
- TBC – Councillors
- TBC – Safeguarding Team
- TBC – Anti-Social Behaviour Team
- TBC - Arts & Heritage Trust Project Board
- TBC - CP&P Admin
- British Beer & Pubs Association
- Campaign for Real Ale
- Davenports Brewery – Premises Licence Holder
- Bolehall Manor Club – Premises Licence Holder
- Belgrave Sports & Social Club – Premises Licence Holder
- Tamworth Football Club – Premises Licence Holder
- Vanity – Premises Licence Holder
- The Albert Hotel – Premises Licence Holder
- The Castle Hotel – Premises Licence Holder
- Fake Festivals – Premises Licence Holder
- Classic Wine Company. – Premises Licence Holder
- The Globe – Premises Licence Holder
- Jalali Indian Cuisine – Premises Licence Holder
- Joules Brewery – Premises Licence Holder
- Decades Bar – Premises Licence Holder
- Coreys - Premises licence holder
- Tamworth Business Crime Reduction Partnership
- Regal Gaming
- Victim support organisation
- EI Group – Premises Licence Holder
- The Peel Hotel – Premises Licence Holder
- Tamworth Co-op – Premises Licence Holder
- Tamworth Brewing – Premises Licence Holder
- The Moathouse – Premises Licence Holder
- Starboard Hotels – Premises Licence Holder
- The Boot Inn – Premises Licence Holder
- Star pubs – Premises Licence Holder
- The Fox Inn , Dosthill – Premises Licence Holder
- Punch Taverns – Premises Licence Holder
- Asda – Premises Licence Holder
- New Inn Clapham – Premises Licence Holder
- The Odeon – Premises Licence Holder
- Queens Head – Premises Licence Holder

- Rage Hairdressers – Premises Licence Holder
- The Granny House – Premises Licence Holder
- Food Gusto – Premises Licence Holder
- Mitchell & Butlers – Premises Licence Holder
- Jumbo's Bar – Premises Licence Holder
- Deltic Group – Premises Licence Holder
- Green King Brewery – Premises Licence Holder
- Licensing Matters consultants
- Clifton Davies Solicitors
- PRS for Music
- UHB –NHS
- Knight Training Consultants
- Croft Planning Tamworth. Consultants
- Neptune Planning consultant
- Poppleston Allen, Solicitors
- Shoosmiths Solicitors
- Hammonds Solicitors
- John Gaunt & Partners Solicitors
- Rutherlands Solicitors
- Gosschalks Solicitors
- Bond Pearce Solicitors
- Ward Hadway Solicitors
- Eversheds-Sutherland Solicitors
- Flint Bishop Solicitors
- TLT Solicitors
- DWF Solicitors
- Popall Solicitors
- Fisher Dewes Solicitors

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
<p><b>Q1</b> Is there anything you feel should be included in the draft policy document which is not currently addressed?</p> <p align="center">Page 67</p>	R/001 & 2 Tamworth Business	The map of the cumulative impact area should be redrawn to include properties on BOTH sides of the boundary streets, instead of being drawn down the middle of the street. There are significant numbers of licenced properties, together with empty properties which could become licenced, which are not included. For example, The Globe, Corys, Atik, Penny Black. Include them!	Comments noted. The Cumulative Impact Assessment (CIA) includes a statement that Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.	Note comment .Add statement to map in Statement of Licensing Policy (SoLP) for clarification.
	R/003	No comments given to questions 1, 2 & 3.		
	R/004 Tamworth Resident	Should there be requirement for licensed premises to guarantee an agreed number of door staff to be on duty at the peak times for possible disorder? Should there be a requirement for all licensed premises and takeaways to have full CCTV coverage, in colour, areas required to be covered agreed with local police? If knife crime becomes a local problem, should licensed premises be required to install "knife arches" to monitor admittance. Should all licensed premises carry drug testing kits and have them readily available if needed.	The matters of concern are noted The Licensing Act 2003 does not allow blanket conditions to be placed on premises licences. Conditions on premises licences are formed from those offered up in operating schedule for an application for grant / variation of a licence, or those agreed during consultation process with relevant authorities. Many premises – have conditions that require provision of CCTV and Door Supervisors based on risk assessment as agreed with Police. Police would advise premises on individual basis on knife crime /drug issues under Prevention of Crime and Disorder objective.	No change to SoLP

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
Page 68	R/005 Tamworth Resident	No. Except an extension of the Cumulative Impact Assessment area to include land off Gungate between spinning school lane and Victoria road. Most of this land ("temporary" car park) is now owned by TBC and should in time be redeveloped for housing. Its proximity to Spinning School Lane makes this a concern.	Comments noted. See comments above R/001 & 2. The CIA will include premises on each boundary of the shaded area detailed in the map in SoLP where the previous Gungate Precinct was located. Any increase in area covered by the CIA would require an evidence base to support the increase in the area.	No change to SoLP
	R/006	No comments given to questions 1, 2 & 3.		
	R/007 Tamworth Resident	No, I am happy with the document. However, there is a general issue I would just like to flag up generally under the principle of protecting children from harm and it concerns vaping lounges and ecigarettes sales in such outlets. I fully understand such premises do not require a license and broadly have no concerns about that. However, I do have concerns where such places allow young children and babies in prams to be present in that vaping atmosphere for considerable periods of time with their guardians. Second hand vapours comes out of the lungs and mouths of participants and the perfumes can be overwhelming. So, if in the future, national concerns are raised around the issue, I personally would like to see a broad and informed consideration on the issue and possibly a license required to admit very young children.	Comments and concerns are noted. The matters raised are not covered by the provisions of the Licensing Act 2003.	No change to SoLP

SCHEDULE OF RESPONSES

Question	Respondent Ref No and Type	Comments	Appraisal	Response
<p>Page 29</p>	<p>R/008 Tamworth Resident</p>	<p>I think some money should be invested in extra recycling in the summer months. The bins smell awful and having food left to rot inside the bin with temperatures as high as 25°C is not nice. Maggots thrive in those temps. Not asking for 52 weeks of the year but definitely need weekly collection in summer months! Also use some money to fix up the community centres in each estate. The one on the leyfield is practically condemned, either let's use it or let's lose it, but don't leave them to decay and become breeding grounds for the vandals and druggies to use.</p>	<p>Comments and concerns are noted. This matter is not one that is covered by the provisions of the Licensing Act 2003. Concerns will be passed on to relevant Department operating the refuse collection and recycling service.</p>	<p>No change to SoLP</p>
	<p>R/009 Other</p>	<p>Please refer to final entry in table. Response given to questions 1,2 and 3</p>		
<p>Is there anything within the draft policy document which you feel should be removed or changed?</p>	<p>R/001 &amp; 2 Tamworth Business</p>	<p>The map of the cumulative impact area should be redrawn to include properties on BOTH sides of the boundary streets, instead of being drawn down the middle of the street. There are significant numbers of licensed properties, together with empty properties which could become licensed, which are not included. For example, The Globe, Corys, Atik, Penny Black. Include them!</p>	<p>Comments noted. The Cumulative Impact Assessment (CIA) includes a statement that Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.</p>	<p>Note comment. Add statement to map in Statement of Licensing Policy (SoLP) for clarification.</p>
	<p>R/004 Tamworth Resident</p>	<p>No response given</p>		
	<p>R/005 Tamworth Resident</p>	<p>No</p>		
	<p>R/007 Tamworth Resident</p>	<p>No</p>		
	<p>R/008 Tamworth Resident</p>	<p>No comments given</p>		

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
<p><b>Q3</b> If you have any comments, questions or concerns about the draft policy, please include them here.</p> <p align="center" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 70</p>	R/001 & 2 Tamworth Business	The map of the cumulative impact area should be redrawn to include properties on BOTH sides of the boundary streets, instead of being drawn down the middle of the street. There are significant numbers of licensed properties, together with empty properties which could become licensed, which are not included. For example, The Globe, Corys, Atik, Penny Black. Include them!	As Q1 and Q2 above for R/001 & 2	As Q1 and Q2 above for R/001 &2
	R/004 Tamworth Resident	I would not like to see applications for well managed and beneficial establishments refused licences on the grounds of cumulative impact, particularly if this meant existing, but more problematic establishments retained their licences on the grounds of tenure. Please also see previous comments.	When an application is made for a new premises licence or major variation and the premises is located in a CIA, if no relevant representations are made relating to cumulative impact the licence would be granted. If representations are made, the applicant would need to demonstrate no addition to Cumulative Impact that already exists. However important to remember that each application is considered on its own merits.	No change to SolP
	R/005 Tamworth Resident	Extension of the Cumulative Impact Assessment area to include land off Gungate between spinning school lane and Victoria road. Most of this land ("temporary" car park) is now owned by TBC and should in time be redeveloped for housing. Its proximity to Spinning school lane makes this a concern.	See comment above to Q1 reference R/005.	No change to SolP

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
	R/007 Tamworth Resident	A very thorough document. Happy to support.		
	R/008 Tamworth Resident	No comments given		
<p><b>Q1</b> Is there anything you feel should be included in the draft policy document which is not currently addressed?</p>	R/009 Other	<p>The British Beer &amp; Pub Association is the UK's leading organisation representing the brewing and pub sector. Our members account for 90% of the beer sold in the UK and own around 20,000 of Britain's pubs. The pub plays a vital role in community cohesion and social life in Britain. They remain one of the few places where communities can come together to socialise. The British pub has been part of people's lives for hundreds of years. First and foremost, they are businesses which serve their local communities and contribute much to the social life of each and every community. The pub sector has enormous potential to generate economic growth and create jobs. It can also play an important part in local regeneration projects and has been at the heart of the regeneration of many of our key towns and cities over the last fifteen years. A major study undertaken by Oxford Economics in 2018 clearly identifies the significant local impact of brewing and pubs. Currently over £1.5 billion is invested in the pub sector per annum. Indeed, pubs are labour-intensive businesses so this investment directly correlates to jobs. Pubs employ 600,000 people across the UK, often</p>		

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
Page 72		<p>providing vital work in small towns and villages. Indeed, 45% of those employed in the sector are aged 16-24 providing a vital route to work and first career-step for many young people. Across Britain, 30 million people visit Britain’s pubs each month, with over 15 million people drinking beer.</p> <p><b>BBPA’s Support for the Proposed Revisions to the Statement of Licensing Policy (SoLP):</b> Our review of the changes identified in the revised Statement of Licensing Policy Statement noted that these are mostly administrative, bringing the policy up to date and in accordance with recent legislation. On the basis that all of the proposed changes are those that have been identified as such on the revised Policy Statement, we can confirm that we are content with the proposed changes subject to the specific points made in the answers to the following questions</p>		
<p><b>Q2</b> Is there anything within the draft policy document which you feel should be removed or changed?</p>	<p>R/009 Other</p>	<p>3) Personal Licences – Suspension and Revocation – we would suggest that the Licensing Authority be obliged to inform a premises licence holder if their designated premises supervisor (DPS) has their personal licence either suspended or revoked. If the premise licence holder is not notified, they could be unknowingly in breach of their licence conditions because they would not have a DPS.</p> <p>3) EMRO and Late Night Levy – we</p>	<p>3) Personal Licences – Suspension and Revocation Section 3 of Statement of Licensing Policy (SoLP) – page 13 – states “the licensing authority may notify the premises licence holder”. In practice – the Licensing Authority officers would be in contact with the premises licence holder during this process and would notify the</p>	<p>3). No change to SoLP.</p>



**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
Page 73		<p>support the re-confirmation that the Borough will not be introducing an early morning restriction order or a late night levy at this time.</p> <p>4) Planning and Building Control - we agree that where the terminal hour dictated by the planning permission differs from the licensing hours, the applicant must observe the earlier closing time. However, we feel that the applicant should have the ability to challenge the earlier closing time specified in the planning permission if they are able to show that the later time will not hinder the promotion of the licensing objectives. In effect, the terminal hour given by the planning permission should be open to review if it is unnecessarily earlier than the licensing hours.</p> <p>6) Opening Hours – we support the re-confirmation that the Borough is not seeking to impose fixed trading hours within any designated area.</p> <p>12) Enforcement – we suggest that one of the overall aims of the enforcement policy is to uphold the promotion of the licensing objectives.</p>	<p>premises licence holder of any decision made.</p> <p>4) Planning and Building Control – Note the comment. However it is open to the applicant to apply for a review of the terminal hour given under the Planning legislation. The (SoLP) does not prevent this.</p> <p>6) Opening Hours – Comment noted. No action required.</p> <p>12) Enforcement page 31 Comment is noted and considered a valid point.</p>	<p>4) No change to SoLP</p> <p>6) Opening Hours - No change to SoLP</p> <p>12) Enforcement - include reference in SoLP page 31 as follows: In addition, any enforcement action undertaken will be taken with a view to upholding the promotion of the licensing objectives.</p>
<p><b>Q3</b> <b>If you have any comments, questions or concerns about the draft policy, please include them here</b></p>	<p>R/009 Other</p>	<p>The BBPA supports the Council’s review of their Cumulative Impact Assessment and Policy (CIP). However, any proposal to retain such a policy must be based on evidence of an</p>	<p>Comments are noted.  If retained the CIA policy will be reviewed again in 3 years as required by legislation or</p>	<p>In view of the Police request for retention of CIA area - recommend no change to the CIA area in the SoLP. However please refer to other responses below.</p>

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
Page 74		<p>issue and that a CIP would be a proportionate solution. In addition, any CIP must be time-bound and regularly assessed, ensuring that it remains relevant and the best solution to the identified issues. In the absence of evidence of an issue, or that a CIP is the best solution, a CIP should not be retained or introduced.</p> <p>We support the Council’s assertion that exemptions could be made to the CIP where there is evidence “that there will be no negative cumulative impact on one or more of the licensing objectives.”</p> <p>We note the consultation submission and comments made by Staffordshire Police Licensing Department and support the use of evidence in reviewing the CIP. However, some of the “key points” provided only compare data from the last 12 months against the previous 12 months, despite this particular CIP being in effect since May 2005. Whilst an annual comparison might provide some of the evidence to support the existing policy, it does not assess whether a CIP is the best solution to the identified issue, or consider whether it was the CIP, or another factor, which brought about any significant changes. It is more appropriate for the Council to review the effectiveness of the CIP by comparing data from before and since the introduction of the CIP, and including a wide range of factors rather than rely solely on reported crime data, e.g.</p>	<p>earlier if deemed appropriate.</p> <p>These comments are noted.</p>	<p>Evidence provided by Staffordshire Police in support of the CIA and retention of the area will be included in an Appendix to the SoLP.</p> <p>A table giving comparison data of the number and type of licensed premises within the town centre CIA area at 2005 and in later years will be included in an Appendix to the SoLP.</p>

**CONSULTATION DRAFT STATEMENT OF LICENSING POLICY  
SCHEDULE OF RESPONSES**

Question	Respondent Ref No and Type	Comments	Appraisal	Response
<p><b>Q1</b> Is there anything you feel should be included in the draft policy document which is not currently addressed?</p> <p><b>Q2</b> Is there anything within the draft policy document which you feel should be removed or changed?</p> <p><b>Q3</b> If you have any comments, questions or concerns about the draft policy, please include them here</p>	<p>R/0010 Responsible Authority</p>	<p>numbers of licensed premises and type of premises over the period, volume of customers.</p> <p>Evidence submitted to support Cumulative Impact Assessment and retention of Cumulative Impact Area</p>	<p>Comments noted and considered relevant to consultation process.</p>	<p>Incorporate evidence into Cumulative Impact Assessment section of SoLP for consideration by Members.</p>

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Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

**APPENDIX 3**



# **Statement of Licensing Policy**

**2020 - 2023**

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

## CONTENTS

<b>Section</b>	<b>Subject</b>	<b>Page</b>
<b>1</b>	Introduction .....	<b>3</b>
<b>2</b>	Licensing Act 2003 - Statement of Licensing Policy Purpose & Scope .....	<b>3</b>
<b>3</b>	Licensing Objectives & Fundamental Principles .....	<b>6</b>
<b>4</b>	Integrating Other Regulatory Controls .....	<b>17</b>
<b>5</b>	Integrating Other Strategies .....	<b>20</b>
<b>6</b>	Opening Hours.....	<b>22</b>
<b>7</b>	The Licensing Objectives .....	<b>23</b>
<b>8</b>	Prevention of Crime & Disorder .....	<b>23</b>
<b>9</b>	Public Safety .....	<b>25</b>
<b>10</b>	Prevention of Public Nuisance .....	<b>26</b>
<b>11</b>	Protection of Children from Harm.....	<b>26</b>
<b>12</b>	Enforcement .....	<b>31</b>
<b>13</b>	The Licensing Process & Delegation of Functions.....	<b>31</b>
<b>14</b>	Equal opportunities .....	<b>35</b>
<b>15</b>	Further Information	<b>35</b>
<b>Appendix 1</b>	Definitions .....	<b>36</b>
<b>Appendix 2</b>	List of Publications that Provide Guidance when Considering Public Safety .....	<b>43</b>
<b>Appendix 3</b>	Cumulative Impact Assessment and Policy	<b>45</b>
<b>Appendix 4</b>	Regulation of Sexual Entertainment venues	<b>60</b>

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## **TAMWORTH BOROUGH COUNCIL**

### **LICENSING ACT 2003**

#### **STATEMENT OF LICENSING POLICY**

**2020 – ~~2025~~ 2023**

## **1 INTRODUCTION**

The Licensing Act 2003 came into force on 24 November 2005. From that date the Licensing Authority became responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.

Tamworth's resident population of around 76,800 (Source – Census 2011, ONS) makes it one of the main urban centres in Southern Staffordshire. It has the highest population density (24.2 people per hectare) of all Southern Staffordshire districts and second only to Stoke on Trent (25.8 people per hectare) in the County as a whole.

The Borough has a wide range of recreational facilities including the Snowdome, an indoor real ski slope (the first in Europe), an athletics stadium, a football stadium, leisure centres, ~~a municipal golf course~~, indoor bowls and a 26 lane ten-pin bowling alley. It also has a ten-screen cinema, nightclubs, pubs and restaurants.

## **2 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY PURPOSE AND SCOPE**

This licensing policy statement sets out the manner in which Tamworth Borough Council (the Licensing Authority) will consider applications for licences as required by the Licensing Act 2003 (the Act).

The Licensing Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:

- The sale of alcohol by retail; (including for consumption on or off premises, with or without food;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;

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- the provision of regulated entertainment to the public, club members or with a view to profit;
- the provision of late night refreshment.
- In carrying out its functions the Authority will not only have regard to this policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act (referred to as “the guidance”).
- The guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises.
- However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licensing will, however, be one of the key factors in managing the evening and night time economy particularly in town centres and any other places as identified ‘high risk’ areas in partnership with the police and other responsible authorities.

The Local Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder in its area and will continue to work in partnership with the police, responsible authorities as defined by the Act, local businesses, local people and others towards the promotion of all the licensing objectives.

### **Regulated Entertainment**

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- A performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music (not incidental music, i.e. piano in a restaurant);
- any playing of recorded music;
- a performance of dance;
- provisions of facilities for making music;
- entertainments of a similar description to the performance of live music, the playing of recorded music and the performance of dance where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part in



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entertainment for the purpose of, or for the purposes that include the purpose, of being entertained:

- a) Making music;
- b) dancing;
- c) entertainment of a similar description to making music or for dancing.

### **Late Night Refreshment**

Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11:00pm and 5:00am of hot food or drink for consumption on or off the premises.

The policy will apply in respect of new consents, renewals, transfers and variations to the following:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices.

The licensing authority must have regard to the guidance issued by the Secretary of State for Culture, Media and Sport in discharging its functions under the Act and this statement of licensing policy has been prepared taking into account guidance issued under section 182 of the Act.

### **Consultation**

Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 5 years. **However, this policy (2020 – 2023) will be reviewed in 3 years. This is because the licensing policy now includes a Cumulative Impact Assessment. The legislation requires that the Cumulative Impact Assessment is reviewed every 3 years and therefore the Statement of Licensing Policy will be reviewed at the same time.** During the **five** **three** year period the Authority will keep the policy under review and may make any amendments to it as it considers necessary. The Act makes provision for this policy to be the subject of consultation and in developing this policy the Licensing Authority has consulted a wide range of organisations including statutory consultees as follows:

- Chief Officer for Police for Staffordshire;
- Chief Fire Officer for Staffordshire;
- Representatives of local holders of existing licences, within the meaning of Part 1 of Schedule 8 to the Act;
- Representatives of local holders of club premises certificates within the meaning of the Licensing Act 1964.

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

**The Licensing Authority has also consulted a range of non statutory consultees including:**

- Staffordshire County Council – Department of Social Care and Health;
- Tamworth Community Safety Partnership;
- Bodies representing consumers;
- Officers within the Borough Council responsible for Regeneration Growth and Development, Health and Safety, Environmental Protection.

The views of all consultees have been given proper weight in the preparation of this policy document.

When approved, the statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act.

### **3 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES**

In exercising its duties and responsibilities under terms of the Licensing Act 2003, the Licensing Authority will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. In exercising its powers under the Act, the Licensing Authority will have regard to any relevant guidance issued by the Secretary of State under section 182 of the Act.

The Licensing Authority will exercise its duties so that the licensing objectives of the Act are met. The licensing objectives are:

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

The Licensing Authority confirms that each of these objectives is considered to be of equal importance.

#### **Applications, Notices and Representations**

The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act, are made in accordance with the Act and statutory guidance. In particular all such applications must be accompanied by the appropriate fee, where applicable, to be deemed duly made. Where applications are incomplete or inadequate

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and therefore not duly made, the whole application will be returned to the applicant. The Licensing Authority will do all that it can in such circumstances to provide guidance to an applicant on the reasons for the applications return. Where such applications are statutorily required to be advertised, or notified to other specified persons, the application must confirm that such advertising or notification has been properly made.

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this licensing policy, statutory requirements and current guidance issued by the Secretary of State. In order to maximise administrative speed, efficiency and cost effectiveness, the application will be determined in accordance with the delegation criteria detailed in section 13 of this policy.

The Licensing Authority will encourage all applicants intending to submit an application under the Act to carefully consider within the operating schedule accompanying the application; the steps that they propose to promote each of the licensing objectives.

Applicants should make themselves aware of the Licensing Authority's statement of licensing policy, in particular the issues that will need to be addressed in producing the operating schedule.

Prospective holders of new premises licence and those seeking variations to existing licences are advised to consult with the Licensing Authority's licensing officers and other responsible authorities early in the planning stage in order to reduce the risk of confusion and dispute arising.

The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base.

It will also expect that where such representations are made by interested parties and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Whenever feasible, the Licensing Authority will facilitate discussions between the applicants and objectors to assess whether a compromise can be agreed between both parties. Where such agreements are reached, the Licensing Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.

When one part of the Licensing Authority seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application considered by the

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licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

### **Hearings and Determinations**

Where an objection is received concerning the grant or variation of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this licensing policy. The objection will be considered in accordance with the delegation criteria listed in the table in Section 44 **13** of this policy.

Where the complaint or objection has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing this fact.

Where “relevant representations” (as defined in section 18(6), 31(5), 35(5), 52(7), 72(7), 85(5) and 88(7) of the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants will be advised of all representations and all parties involved will be informed of the time and place of the hearing.

Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under sections 19, 20, 21, 73 and/or 74 of the Act.

Where, however, an application for review of an existing premises licence or club premises certificate is received in accordance with sections 52(1) or section 88(1) of the Act, respectively, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. The application for review will be considered in accordance with the delegated criteria listed in the table at section 44.4— **13**.

The Licensing Authority will take steps to reject applications, to impose or modify conditions, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps necessary for promoting one or more of the licensing objectives.

In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

Where an application for review has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures detailed above, the licence or certificate will either:

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- Continue in operation unaltered;
- be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or
- be cancelled.

The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review advised accordingly.

In relation to a modification or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

### **Conditions**

The Authority will only be able to attach conditions (other than mandatory conditions) to a premises licence or club premises certificate if they are part of an applicant's operating schedule (including any conditions which may be subsequently volunteered by an applicant as a result of mediation following a representation), or by a decision of a Licensing Committee at a formal Hearing.

Any conditions which are attached to licences, certificates and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies. The Authority will not attempt to impose any 'blanket' conditions which apply to all premises but the applicant's operating schedule, which forms part of the application process should include sufficient information to enable a responsible authority or interested party to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

When submitting operating schedules applicants are required by the Act to outline the measures which are being taken in order to meet the licensing objectives. These measures are likely to form the basis of conditions which will be attached to the grant of a premises licence or club premises certificate. However, only those conditions which are considered appropriate for the promotion of the licensing objectives will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

The responsible authorities identified in this statement may also propose conditions of their own by making representations to a grant or variation application. However, these cannot be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate to meet the licensing objectives. Any conditions proposed by a responsible authority and agreed by an applicant in such cases can be attached to the premises licence without the need for a formal Hearing either

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by the applicant agreeing to amend their operating schedule to include any condition(s) agreed between the parties or if all parties agree that a hearing is not necessary.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. In circumstances where existing legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will need to be assessed on its own individual merits.

Other regulatory controls are referenced in more detail in Section 4 of this policy document.

### **Suspension for Non Payment of Annual Fees**

The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended. The Authority has to give a minimum two days notice of the licence/certificate being suspended if payment is not made. The Authority, in this case, considers that seven days notice is more appropriate.

### **Temporary Event Notices (TEN)**

There are two types of temporary event notice (TEN) which can be given to the Council; standard and late. Anyone wishing to give a standard TEN to the Authority must do so at least ten (10) clear working days prior to the event in question.

If it is not possible to give ten(10) working days notice then a late TEN may be given as long as five (5) working days notice is given. If an objection to a standard TEN is made by the Police or Environmental Health to impose existing conditions and all parties agree that a hearing is not necessary, the Authority will not normally hold a hearing. If, however, the Police or Environmental Health object to a late TEN then it will not be possible for the event to go ahead. The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

### **Personal Licences - New Applications**

A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.

Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application. The requirements are that:

- (a) The applicant is aged 18 or over
- (b) The applicant is entitled to work in the United Kingdom
- (c) The applicant possesses a licensing qualification or is a person of a prescribed description

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(d) The applicant has not forfeited a personal licence in the five year period prior to their application being made

(e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.

Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.

At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant

If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

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## **Personal Licences - Suspension and Revocation**

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.

When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.

The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.

If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.

The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.



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If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.

Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.

Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence

The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

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## **Immigration Act 2016 - Entitlement to Work**

Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

Premises licences to sell alcohol or provide late night refreshment and Personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;

Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and the Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

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### **Designated Premises Supervisor (DPS)**

On premises where there is the supply or sale of alcohol, the Licensing Authority will require one of the personal licence holders to be a designated premises supervisor. The main purpose being to ensure that there is always one specified individual among the personal licence holders, who can be readily identified as having key responsibilities at the premises. Therefore it will be clear who is in charge of the day to day running of the business. Guidance issued under section 182 of the Act does not state that a designated premises supervisor must be physically on the premises at all times when there is a supply or sale of alcohol.

The premises licence will specify the name of the designated premises supervisor. It is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor.

### **Removal of DPS requirement at Community Premises**

Instead of being required by way of a mandatory condition, to appoint an individual as a designated premises supervisor, (DPS), volunteer committees managing community premises are now allowed to take joint responsibility for the sale of alcohol in community premises. Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.

'Community premises' will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building is a community premises or not, the Authority will deal with such matters on a case by case basis with the main consideration being how the premises are being predominantly used, for example :

- a. are they genuinely made available for community benefit most of the time?
- b. are they accessible by a broad range of persons and sectors of the local community?
- c. are they being used for purposes which are beneficial to the community as a whole?

Applicants will be required to set out exactly how the premises are managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

### **Adult Entertainment**

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate Sexual Entertainment Licence will also be required.

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### **EMRO and Late Night Levy**

There are no current proposals to implement a late night levy or introduce an early morning restriction order, but these will be kept under review in consultation with the Police and other responsible authorities.

### **Late Night Refreshment - Local Powers to Deregulate**

Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.

This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

### **Working with Partners**

The Licensing Authority recognises that licensing functions under the Licensing Act 2003 are only one means of promoting the delivery of the licensing objectives. The Licensing Authority is committed to working in partnership with a wide range of organisations, including Staffordshire Police, Fire, and Social Services Authorities, Planning Authorities, Environmental Health e.g. Tamworth Responsible Body Group, CIEH Shropshire and Staffordshire Licensing Group; Staffordshire and Stoke Responsible Body Group, Neighbourhood Authority Working Group; the Tamworth Local Strategic Partnership and Community Safety Partnership, local businesses e.g. Tamworth Licensees Forum or similar and Destination Tamworth, local communities, performers and other organisations, to deliver these objectives.

### **Rights of Individuals**

This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply, under the terms of the Act, for a variety of

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permissions and to have any such application considered on its individual merits.

Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

#### **4 INTEGRATING OTHER REGULATORY CONTROLS**

There are a number of other regulatory controls that may affect the Licensing Authority's licensing function. The Authority recognises that the licensing process should not duplicate powers; provisions or restrictions provided for in other legislation, and will in so far as possible avoid duplication of this kind. The Licensing Authority will be mindful of the following legislation and related strategies when executing its licensing functions under the 2003 Act:

1. The Licensing Act 2003, as amended;
2. Regulations and orders made under the Act;
3. Guidance issued by the Home Office; and
4. The principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)

The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process. However, the Licensing Authority recognises that it cannot use its powers under the Licensing Act 2003 as a mechanism for enforcing other legislation where it is more appropriate to enforce those requirements through more specific statutory provisions.

##### **Planning and Building Control**

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing decisions will take into account any relevant planning decisions made by the Council's planning committee or made as a result of appeal and will not cut across such decisions.

Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications.

Where requested, the Licensing Authority will arrange for reports to be provided to the Council's planning committee on situations regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder, in order for that committee to have regard to such matters when considering planning decisions.

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There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

### **Health and Safety**

The Health and Safety at Work Act, etc. 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible.

Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. In the majority of cases health and safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

### **Fire Safety**

The licensing objective for public safety overlaps with fire safety requirements, which are enforced by the Staffordshire Fire and Rescue Service (FARS) under the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc Act 1974, in premises where licensable activities take place in the Borough of Tamworth. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions. The Licensing Authority will not seek to impose any fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 applies.

### **Noise and Other Public Nuisance**

The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced, in Tamworth Borough, by the Council under the Environmental Protection Act 1990. Powers under the Act

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are also available to the Police and, under the Anti Social Behaviour Act 2003, to Environmental Health Staff and authorised officers to secure the closure of licensed premises causing a public nuisance because of noise. In the majority of cases, therefore, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that there is the potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) and where it is considered that such statutory provisions do not provide for adequate protection with regard to public nuisance, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

### **Human Rights Act**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. When considering applications relating to licensable activities or representations on applications, the Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

### **Disability Discrimination Act**

This Act provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. From October 2004 service providers are under a duty to make reasonable adjustments to any physical features which make it impossible or unreasonably difficult for disabled persons to access a service, or they have to provide the service by a reasonable alternative means. The Licensing Authority will not attach conditions to licences or certificates which conflicts with or duplicates this requirement. Applicants may wish to obtain guidance from the Building Control Section of Tamworth Borough Council as regards access to buildings and their facilities, particularly as any alterations affecting access may require an application for building control approval. Further advice can also be obtained from the Disability Rights Commission at [www.drc-gb.org.uk](http://www.drc-gb.org.uk)

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### **Equality Act 2010**

Tamworth Borough Council has adopted an Equal Opportunities Policy and a Race Equality Scheme in which it sets out how it aims to address race equality issues in the Borough, and to have due regard to eliminate unlawful discrimination, promote equality of opportunity and good relations between different racial groups. The Licensing Authority's undertaking of its licensing functions will therefore be monitored in accordance with Tamworth Borough Council's Equal Opportunities Policy and Race Equality Scheme.

## **5 INTEGRATING OTHER STRATEGIES**

There are a number of strategic influences that may affect Tamworth Borough Council's licensing function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

### **Corporate Vision**

Tamworth's Vision;  
**is to put Tamworth, its people and the local economy at the heart of everything we do.**

### **Community Strategy**

Tamworth Community Safety Partnership contribute to Tamworth Responsible Body Group and this is reflected in the **Tamworth Community Safety Partnership Plan 2017-2020** [www.safertamworth.org](http://www.safertamworth.org). We will consider any reports submitted to ensure that these needs are reflected in our licensing considerations.

### **Live Music, Dancing and Theatre**

The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing and traditional theatre performances. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Where there is any indication that such events are being deterred by licensing requirements, this policy statement will be reviewed to see how that situation may be reversed.

In addition the Licensing Authority will consult the National Association of Local Government Arts Officers (NALGAO) for practical help and advice in this area when required.

To promote this policy, Tamworth Borough Council now holds its own premises licences for some public spaces within the Borough including St Editha's Square, some streets in the town centre and the Castle Pleasure Grounds. This is intended to encourage the above mentioned activities in that at these premises and venues performers and entertainers would not need to



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acquire a licence to perform but would only need the permission of the Council as the premises licence holder.

Furthermore, live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- When it is unamplified and takes place between 8am and 11pm; and
- When it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect. Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

### **Transport**

Licensing protocols agreed between the Licensing Authority and Staffordshire Police will be established and will incorporate any procedures necessary to ensure that adequate arrangements are made in local transport plans and, where appropriate, in conditions relating to premises licences and club premises certificates for the swift and safe dispersal of people from premises and events authorised under the Act.

### **Alcohol Harm Reduction Strategy**

The Government published in (2012) its Alcohol Harm Reduction Strategy for England in this it outlined how the Licensing Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises or personal licences. On occasions when the Licensing Authority's decision making powers under the Act have been engaged, i.e. - upon receipt of relevant representations, this strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle antisocial behaviour.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which seeks to ensure that drinks are packaged and printed in a socially responsible manner and only to those who are 18 years old or older, is commended for consideration by applicants whose proposed licensable activities involve the supply of alcohol.

### **Drug Abuse**

The Licensing Authority would commend for consideration by applicants the strategy outlined in the Home Office Drug Strategy booklet - Safer Clubbing - Guidance for Licensing Authorities, Club Managers and Promoters.

On occasions when the Licensing Authority's decision making powers have been engaged, the Licensing Authority may impose special conditions for

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certain types of premises to prevent the sale and use of drugs and to create a safer environment for those who may have taken them. Conditions will take into account the Home Office “Safer Clubbing” guidelines and Annex D of the guidance issued under section 182 of the Act.

### **Director of Public Health**

Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although ‘health’ is not a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which would assist the Council in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.

### **Rebalancing Licensing**

The Police Reform and Social Responsibility Act brought about amendments to the Licensing Act 2003. The legislative changes have been instigated by Her Majesty’s Government giving a clear commitment to overhaul alcohol licensing and to tackle the crime and disorder, and associated health and social harms, associated with alcohol consumption. The changes also aimed to rebalance the 2003 Act in favour of local communities.

The majority of the new measures are in force, in particular these relate to:

- Late night levy
- Early morning restriction orders (EMROs)

## **6 OPENING HOURS**

The Licensing Authority will deal with licensing hours on the merits of each individual application. The Licensing Authority will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. This will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. It will not, therefore, seek to impose fixed trading hours within any designated area, (i.e. zoning) but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or interested parties regarding those applications.

When relevant representations have been received thus engaging the Licensing Authority’s decision making functions under the Act, the Licensing Authority may, if appropriate, consider applying stricter conditions with regard to licensing hours for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This may particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be

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caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:00pm – 07:00am). However, when considering applications, the Licensing Authority will consider each application on its merits and will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

In the absence of any relevant representations being received, the Licensing Authority will approve the application subject only to any applicable mandatory conditions and such conditions which are consistent with the applicants operating schedule.

With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or interested party, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

## **7 THE LICENSING OBJECTIVES**

Section 3 of this policy outlines the four licensing objectives which are paramount considerations at all times.

The following four sections of this policy ( 8, 9, 10, 11) provide further detail in respect of the four licensing objectives. The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to demonstrate how they will promote the four licensing objectives.

The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule. This is in line with Guidance issued by the Secretary of State under section 182 of the Act.

## **8 PREVENTION OF CRIME AND DISORDER**

Tamworth Borough Council is committed to reducing crime and disorder and improving community safety in the Borough of Tamworth.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Tamworth Borough Council, Staffordshire Police, Staffordshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The

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Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the Borough, particularly when considering the location, impact, operation and management of licensable activities.

Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Tamworth Community Safety Partnership through the LSP or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the Borough, it will consider adopting a “saturation policy”. Adoption of saturation policies is referenced in more detail in the [Cumulative Impact Assessment pages of this policy document](#).

The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder

The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated (‘Designated Premises Supervisor’ DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

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### **Security Operatives**

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Harm Reduction Strategy.

All security operatives employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority (SIA).

If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

When the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such certain premises may require strict supervision for the purpose of the promotion of the licensing objectives, the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times, or, at such times that certain licensable activities are taking place. However, the Authority will consider each application on its merits.

## **9 PUBLIC SAFETY**

The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.

There are a wide range of statutory requirements as detailed in Section 4 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.

The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.

The capacity of a premises is a legitimate public safety issue. The Licensing Authority is aware that from 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under article 43 of the Fire Safety Order any conditions imposed by the Licensing Authority

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that relate to any requirements or prohibitions that are or could be imposed by the Order, automatically ceased to have effect. This means that the Licensing Authority will not seek to impose fire safety conditions or capacity limits where the Order applies.

The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer for Stoke on Trent and Staffordshire Fire Authority, after having regard to any guidance issued by the Secretary of State if considered necessary to meet the public safety licensing objective. Each application will be considered on its merits.

The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

## **10 PREVENTION OF PUBLIC NUISANCE**

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

There are a number of statutory controls available to deal with nuisance issues as outlined in Section 4.

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Applicants need to be clear that where relevant representations have been received, the Licensing Authority may apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas.

## **11 PROTECTION OF CHILDREN FROM HARM**

The protection of children from harm is an extremely important issue and is one of the statutory licensing objectives. It is the Licensing Authority's wish

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that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

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

It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5:00am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

Otherwise, the Act does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. However this does not mean that children should automatically be allowed access to such premises.

The Licensing Authority will enforce the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or interested party and it is considered necessary to impose limitations for the prevention of physical, moral or psychological harm to children.

The Licensing Authority recognises Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate charged with the responsibility for or interest in matters relating to the protection of children from harm and the Staffordshire Police as the responsible authorities for advising the Licensing Authority in matters relating to the protection of children from harm and competent to advise it on such matters.

When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

When considering applications and deciding whether to limit access of children to premises, the Licensing Authority will judge each application on its own merits.

However the Licensing Authority will have particular regard to premises where there is substantial evidence that:

- Entertainment or services of an adult or sexual nature are commonly provided such as topless bar staff, striptease, lap-

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- table- or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language
- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for under age drinking;
  - there is a known association with drug taking or dealing;
  - there is a known association with prostitution;
  - there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
  - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

Where concerns have been identified in respect of individual premises, and it is felt that the access of children should be restricted the Licensing Authority may consider the following options:

- Limiting the hours when children may be present;
- age limitations (below 18);
- limiting or prohibiting access when certain activities are taking place;
- fully excluding persons under the age of 18 from the premises when certain licensable activities are taking place;
- limitations on access to certain parts of the premises for persons under 18;
- permitting access only when accompanied by an adult.

The above list is not exhaustive and the alternatives may be adopted in combination.

Applicants applying for premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules where their risk assessments have determined the presence of children is undesirable or inappropriate.

Where no relevant representations are made to the Licensing Authority, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the Naming, Packaging and Promotion of alcoholic drinks. The Code seeks to ensure that alcoholic drinks are only marketed to those 18 years and older. The Licensing Authority commends the adoption of this Code by all relevant parties.



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The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated), or in specific cases the Licensing Authority itself. The Licensing Authority will expect that operating schedules accompanying applications relating to activities involving film exhibitions will include details of the arrangements proposed for preventing children from viewing age restricted films.

When considering any application, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities defined in Section 13(4) and Section 69(4) of the Act; i.e., Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate and the Chief Fire officer for Stoke on Trent and Staffordshire Fire Authority.

The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.

### **Illegal Sales of Age Restricted Goods.**

The Licensing Authority recognises the important work carried out by Staffordshire County Council Trading Standards and Staffordshire Police in this field. The Licensing Authority, Staffordshire County Council Trading Standards and the Police take a very serious view of the illegal sale of alcohol and other age restricted goods and the Licensing Authority will work closely with Trading Standards and the Police to seek to ensure that illegal sales of alcohol and other age restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards has, over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions recently; having particular regard to the link between alcohol and crime and disorder issues, and this continues to be a concern of Staffordshire County Council under the Licensing Act 2003.

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Staffordshire Trading Standards have issued guidance that applicants may wish to consider in respect of underage sale of alcohol and other age restricted goods. Copies of this guidance can be obtained from Staffordshire Trading Standards or from the Licensing Authority.

### **Guidelines to be followed by the Licensing Committee when dealing with a review application following underage sales of alcohol**

The Act provides the Council with a wide range of powers to be used when determining a review application. There are a number of steps which the Committee can take in order to promote the licensing objectives, as follows:

- a. modify the conditions of licence
- b. exclude a licensable activity from the scope of the licence
- c. remove the designated premises supervisor
- d. suspend the licence for a period of up to 3 months
- e. revoke the licence

When deciding which steps are appropriate, each case will be judged on its own merits but, the Committee will consider taking tougher steps in cases where, for example: an underage sale of alcohol has been made and there are related issues involving the use of counterfeit or illicit alcohol from the same premises, or the premises have already been before the Committee previously for an underage sale and conditions were imposed at that time.

Where a premises licence has been revoked by the Committee or one of its panels, the Authority will not normally grant an application for a new premises licence within 12 months of the date of the revocation, where there has been an objection to the application, when they are not satisfied that the management structure of the premises is not related to the management involved in the revoked licence and when one or more of the licensing objectives is undermined by such a circumstance. However, each application is to be considered on its own merits and this part of the policy does not fetter the discretion of the Committee and Panels. The Authority must carry out its functions with a view to promoting the licensing objectives. Any action taken by the Committee or Panel should be an appropriate and proportionate response.

Nothing within this policy removes the discretion or judgement from the Committee or Panel when considering a review of a licence and each application and representation will be considered on its own merits. If the Committee or Panel depart from this policy or the guidance, reasons will be given.

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## **12 ENFORCEMENT**

The Licensing Authority has established good working relationships with the Police and other enforcing authorities. These arrangements provide for the targeting of agreed problem high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Licensing Authority will incorporate the Hampton principles of inspection and enforcement into these activities. Consideration will also be given to any relevant codes of practice issued by the Better Regulation Delivery Office (BDRO).

It is intended that in general, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained. **In addition, any enforcement action undertaken will be with a view to upholding the promotion of the licensing objectives**

## **13 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS**

The Licensing Authority's licensing functions will be discharged by the licensing committee. To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority's licensing committee will delegate those functions to sub committees, each of which will comprise three members of the licensing committee.

Many of the licensing committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to officers of the Licensing Authority who are responsible for the administration and enforcement of the Act.

The Licensing Authority's licensing committee will receive regular reports on decisions made by officers and its sub committee so that it maintains an overview of the general licensing situation in the Borough.

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Applications will be determined in accordance with the following delegation criteria:

Function	Full Committee	Sub Committee	Officers
Application for personal licence		Where an objection has been received from the Police or Home Office	Where no objection received
Decision whether to suspend or revoke a personal licence		All cases	
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	Where objection relates to cumulative impact	Where “relevant representation” has been made	Where no “relevant representation” made or all representations made are withdrawn
Application for provisional statement	Where objection relates to cumulative impact	Where “relevant representation” has been made	Where no “relevant representation” made or all representations made are withdrawn
Application to vary a premise licence/club premises certificate	Where objection relates to cumulative impact	Where “relevant representation” has been made	Where no “relevant representation” made or all representations made are withdrawn
Application to vary designated premise Supervisor		Where an objection has been received from the Police	Where no objection has been received
Application for the		If a police	All other cases

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mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disappplied		representation is made	
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Application for transfer of premise licence		Where an objection has been received from the Police or Home Office	All other cases
Applications for interim authority notices		Where an objection has been received from the Police or Home Office	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant		All cases	

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authority considering the application			
Acknowledgement of receipt of a temporary event notice			All cases
Determination of a Police or environmental health representation to a temporary event notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee			All cases

Where a councillor who is a member of the licensing committee or a licensing sub committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the premises licence in question.

The Licensing Authority's nominated officers will deal with all licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act. Other than in the case of personal licences, an appeal has to be made to the magistrates' court. In which the premises concerned is situated. In the case of personal licences, the appeal must be made to the magistrates' court for the area in which the licensing authority (or any part of it) which made the decision is situated.

## 14 EQUAL OPPORTUNITIES

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relation, between persons with different protected characteristics, for example age, disability, race and religion.

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Tamworth Borough Council has a Statement of Intent for Equality and Diversity which requires that services are provided that embrace diversity, promote equality of opportunity and access. The statement can be found at <http://www.tamworth.gov.uk/equality-and-diversity>

## **15 FURTHER INFORMATION**

Further information about the Licensing Act 2003 and the Licensing Authority's licensing policy can be obtained from:

Growth and Regeneration  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ

Telephone (01827) 709445  
E-mail [publicprotection@tamworth.gov.uk](mailto:publicprotection@tamworth.gov.uk)

This policy is available on the Council's web-site [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

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## APPENDIX 1

### Definitions

The following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

### Appeals

Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

### Authorised Persons

"Authorised Persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health officers.

### Interested Parties

"Interested Parties" are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

### Responsible Authorities

"Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

### Closure Order

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.



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## **Club Premises Certificate**

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

## **Conditions**

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides "The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

## **Designated Premises Supervisor**

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence or will be the premises licence holder themselves (who must also be a personal licence holder).

## **Interim Authority Notices**

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim authorities" and "protection orders" under the Licensing Act 1964.

## **Late Night Refreshment**

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

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### **Licensable Activities**

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

### **Licensing Authority**

Tamworth Borough Council

### ***Licensing Objectives***

The objectives of licensing set out in the Act:

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

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

### **Licensed Premises**

Includes club premises and events unless the context otherwise requires.

### **Mandatory Conditions**

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

### **Objection Notice**

A procedure whereby the police can object to the grant of a personal licence on the grounds where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

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## **Operating Schedule**

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the licence holder to tackle the four licensing objectives;
- the licensable activities to be conducted on the premises;
- the times during which the licensable activities are to take place and any other times when premises are open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

## **Personal Licence**

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the Police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

## **Premises Licence**

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

## **Provisional Statement**

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a “provisional grant” under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

## **Qualifying Club**

Club premises certificates will be issued to qualifying clubs formerly registered members clubs. To be eligible for a club premises certificate the

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club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

### **Regulated Entertainment**

- A performance of a film;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance;
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

### **Relevant Offences**

Relevant offences are set out in Schedule 4 to the 2003 Act.

### **Relevant Representations**

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages

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the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

### **Review of Licence**

Where a premises licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to 3 months; or the revocation of the licence.

### **Responsible Authority**

- the Chief Officer of Police in the area where the premises are situated;
- the Fire Authority in the area where the premises area situated;
- the enforcing authority for Health and Safety at Work.
- the Local Planning Authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- the body representing matters relating to the protection of children from harm;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

### **Statement of Licensing Policy**

Each licensing authority must every 5 years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

### **Supervisor**

Responsible for supervision of the premises e.g. the day to day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

### **Temporary Event Notice**

A permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

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- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used;
- The number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in 1 year, and any other person to 5 notices in a similar period;
- (If these conditions are not fulfilled, the temporary event would require a premises licence if it were currently unlicensed for the activity involved).

### **Transfer**

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

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## APPENDIX 2

### List of Publications That Provide Guidance When Considering Public Safety

~~Annex D of the Statutory Guidance issued under section 182 of the Licensing Act 2003 includes a list of publications that provide guidance on public safety matters. The Guidance recommends that in addition, to considering the points made in Annex D,~~ It is recommended that those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider the following:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (2002) ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- **The Event Safety Guide – The Purple Guide to health, safety and welfare at music and other events -The Events Industry Forum**
- Managing Crowds Safely: guide for organisers at events and venues (HSE 2000) (HSG 154) ISBN 0 7176 1834 X;
- 5 Steps to Risk Assessment: Case Studies (HSE 1998, reprinted 2002) (HSG 183) ISBN 07176 15804;
- **The Guide to Safety at Sports Grounds 5<sup>th</sup> revised edition The Football Licensing Authority written for - The Department for Culture, Media and Sports (DCMS) ISBN 10 0117020745; ISBN 13 9780117020740**
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:  
[www.streetartsnetwork.org.uk/publications./index.php](http://www.streetartsnetwork.org.uk/publications./index.php)
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” (2001) ISBN 0 9531229 2 1.

The following British Standards should also be considered:

- BS 5588-6:1991 Fire precautions in the design, construction and use of buildings. Code of practice for places of assembly
- BS 5588-9:1999 Fire precautions in the design, construction and use of buildings. Code of practice for ventilation and air conditioning ductwork
- BS 5588-8:1999 Fire precautions in the design, construction and use of buildings. Code of practice for means of escape for disabled people
- BS 5839 (fire detection, fire alarm systems and buildings)

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

- BIP 2081:2006 A Guide to Emergency Lighting ISBN 0580 47755

However, in consulting these texts, those creating operating schedules or club operating schedules, the licensing authority and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.



Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

## **APPENDIX 3**

### **TAMWORTH BOROUGH COUNCIL CUMULATIVE IMPACT ASSESSMENT**

The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment contained in the following pages.

The statements within the policy are aimed at encouraging best practice; a safe environment and to actively promote the four licensing objectives.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the justification for the Cumulative Impact Assessment and supporting evidence within the licensing policy document, it is considered that this would make a summary unnecessary and would duplicate the information provided in the pages that follow.

#### **Cumulative Impact Assessments – Background**

The concept of Cumulative Impact has been described within the Secretary of State's Guidance (section 182) since the Licensing Act 2003 came into force. It has been part of the Council's licensing policy since May 2005.

Cumulative impact is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In some areas where the number and type or density of licensed premises, such as those selling alcohol or providing late night refreshment is high, serious problems of nuisance and disorder may arise outside or some distance from those premises

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and public nuisance.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and when determining applications under the Act.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

### **Reasons for the Cumulative Impact assessment**

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the Borough, consistent with its statutory duty under section 17 of the Crime & Disorder Act 1998, and an improvement in local amenity through the reduction of antisocial behaviour.

The Licensing Authority is aware of the potential link between an increase in licensed premises within the town centre and the rise in the number of violent crimes, and antisocial behaviour.

The cumulative impact of people dispersing from an area can also disturb nearby residents

The Licensing Authority is mindful of the need to safeguard users of the late night economy, in relation to crime and disorder but also from alcohol harm. It recognises its responsibilities to protect children from harm and to promote public safety. The concentration of licensed premises, whose primary function is the consumption of alcohol can increase the vulnerability of people and result in alcohol harm.

The authority recognises that the impact of longer hours can be a factor as well as the density of the premises, and this issue will be given due consideration in any decision.

### **Town Centre Cumulative Impact Assessment Area – General Principles**

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

A cumulative impact assessment must include a statement stating that the licensing authority considers that the number of premises in the identified area is causing a cumulative impact. The statement must encompass that if a special policy relating to cumulative impact is not put in place then it will impact on the ability of the authority to uphold the licensing objectives. The cumulative impact once identified must relate to licensable activities.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

This proposed Cumulative Impact Assessment will therefore be published under these new provisions of the Licensing Act 2003. The assessment will be reviewed every three years from the date it comes into force, consulting the persons outlined in Section 5 of the Licensing Act 2003.

The Cumulative Impact Assessment relates to the Tamworth Town Centre area. The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Statement of Licensing Policy since May 2005. There are no changes to the area within this assessment.

This assessment applies to the following roads

- 1) Lower Gungate, from its junction with Albert Road and Aldergate to its junction with Colehill.
- 2) Spinning School Lane, from its junction with Lower Gungate to its junction with Marmion Street.
- 3) Colehill, from its junction with Lower Gungate and Church Street, to its junction with Bolebridge Street and George Street.
- 4) Bolebridge Street from its junction with Colehill, George Street up to its junction with the first traffic island (Mill Lane / Anker Drive island).
- 5) George Street, from its junction with Colehill, Bolebridge Street to its junction with Market Place and Market Street.
- 6) Market Street, from its junction with George Street, Middle Entry to its junction with Silver Street and Holloway.
- 7) Silver Street, from its junction at the entrance into Market Street up to the traffic lights at junction between Aldergate, Church Street and Lichfield Street.
- 8) Church Street, from its junction at the traffic lights in Silver Street, Lichfield Street, Aldergate, up to its junction with Colehill.
- 9) Aldergate, from its junction at the traffic lights with Lichfield Street, Church Street and Silver Street up to its junction with Lower Gungate, Hospital Street, Upper Gungate and Albert Road.
- 10) All other roads, streets and areas enclosed within the area bounded by the above streets, to include College Lane, Middle Entry, Market Place, King Street, Corporation Street, St Editha's Square, St Editha's Close, Church Lane, Little Church Lane and Lower Gungate Precinct.

Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

A map showing the Cumulative Impact area is attached at [page 54](#).

### **Cumulative Impact Assessment Evidence**

#### **Evidence received in respect of the Cumulative Impact Assessment and to support the retention of the Town Centre Cumulative Impact Policy**

The area that is covered by the Cumulative Impact Assessment occupies 8.9 hectares which is 0.28% of the total area of the Borough of Tamworth.

In June 2019, there were fifty eight licensed premises within the Cumulative Impact Area. This figure represents 27% of the total number of licensed premises within the Borough. Forty eight out of those fifty eight premises are licensed to sell alcohol.

There are fifty premises open past 23:00hours in the Town Centre Cumulative Impact Area of which forty are licensed to sell alcohol. Furthermore, twelve of the premises licensed to sell alcohol in the Cumulative Impact Area are permitted to be open after 02:00am on certain days of the week.

As of June 2019, the numbers and types of premises within the Cumulative Impact Area were as follows:

Night Clubs and public houses = 22

Restaurants – 14

Hotels – 2

Takeaways – 10

Off sales only = 4

Clubs – 1

Cinemas and theatre type premises = 2

Others (including open spaces having the benefit of a premises licence, hair dressing salons, bingo premises) = 4

The table on page 59 gives a comparison of the number and type of licensed premises within the town centre cumulative impact area in November 2005 (when the Licensing Act 2003 came into force), the premises with a licence in 2015 and those with a licence in June 2019.

The table shows that:

- There is a concentration of licensed premises within the town centre area
- Since November 2005 there has been an increase in the number of licensed premises in the town centre area although there has been a slight decrease between 2015 and June 2019.

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- Over the years there has been an increase in the number of premises licensed to sell alcohol in the town centre area, with a slight decrease between 2015 and June 2019.

As part of the consultation process in respect of the Cumulative Impact Assessment and the Statement of Licensing Policy, Staffordshire Police submitted updated evidence relating to levels of crime and antisocial behaviour (ASB) and rowdy and inconsiderate behaviour in the town centre. The evidence details current levels of crime and disorder within the town centre and the types of offences which include violent offences which are being committed in the area.

The submission gave the key findings from the Police information records using data from recorded incidents and figures based on year to date (05 05 2019). Further supporting evidence is included on pages 55 - 59 of this policy.

### **Key points:**

- There has been a 3% decrease in Town Centre ASB in the last 12 months compared to the previous 12 months.
- Rowdy and inconsiderate behaviour is the most prevalent type. 16% of ASB calls in the town centre are marked as Alcohol related (this figure may be higher dependent on recording accuracy) compared with Tamworth as a whole which sits at 5%.
- The majority of ASB incidents occur in the afternoon to the evening and into the early hours at the weekend (shown in the heat map below). This pattern is enhanced with clear alcohol related incidents.
- There has been a 2% increase in 'Town Centre' Public Space Violence (PSV) in the last 12 months compared to the previous 12 months.
- The highest levels of PSV are (on average) committed between 0000hrs and 0100hrs on Friday nights and 2300hrs and 0400hrs on Saturday nights. This has a direct correlation with the Tamworth night-time economy and also ASB.
- Public order offences have decreased, as has more serious violent crime.
- Less serious violent crime with injury, personal robbery and other violence against the person have increased.

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

- The highest repeat locations for PSV include licensed premises on Lower Gungate, Bolebridge Street, and Spinning School Lane all of which are within the hub of the night time economy.

At the conclusion of their submission in support of the Town Centre Cumulative Impact Policy, Staffordshire Police made the following statement: “We cannot stress enough, based on the above, the importance of maintaining the Cumulative Impact Zone/Area”.

The current Statement of Licensing Policy 2015 – 2020 contains a special policy relating to Cumulative Impact covering the town centre area of the Borough. The Licensing Authority considers that in the Cumulative Impact Area, the number of premises licences and/or club premises certificates are such that it is likely that granting further licences or variations to existing relevant authorisations would be inconsistent with its duty to promote the licensing objectives.

The Licensing Authority has carefully considered the evidence submitted by Staffordshire Police and other comments received during the consultation process in respect of the Cumulative Impact Assessment and the existing Cumulative Impact Policy. It has formed the opinion that the Cumulative Impact Policy should be retained in the proposed Statement of Licensing Policy 2020 -2023.

### **The effect of the Cumulative Impact Assessment and adopting a Cumulative Impact Policy**

The effect of adopting a special policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations will normally be refused, if relevant representations about cumulative impact on the licensing objectives are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

It is for the applicant to consider, within their operating schedule, the potential cumulative impact and to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

This assessment will apply to all applications for grant of a new premises licence/club premises certificate or the variation of an existing premises licence or club premises certificate to for example increase the hours for licensable activities or increase the capacity or any other matter that may add to the cumulative impact in the cumulative impact area.

The contents of the Cumulative Impact Assessment does not change the fundamental ways that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the

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licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as ‘any other person’ within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

As part of this policy, the licensing committee will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact that an application for grant of a new licence/club premises certificate or the variation of an existing premises licence or club premises certificate would have on the special cumulative area.

The Town Centre Cumulative Impact Policy will not be used to justify:

- Revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly necessary for the promotion of the licensing objectives;
- provisions for terminal hours of operation;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits, or, impose limits on trading hours in particular areas.

### **Exceptions to the Special Cumulative Impact Policy**

In general, the Licensing Authority wants to encourage “family friendly” entertainment in the town centre and discourage antisocial behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- 1) The applicant can demonstrate that the premises will not be used primarily for the consumption of alcohol or as a hot food takeaway premises. This may be evidenced by the general nature of the business activity, e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and / or
- 2) The applicant can demonstrate that the general age profile of customers will be 25+ and / or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions.

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In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this special policy relating to cumulative impact, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:

- 1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
- 2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- 3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special policy area.

### **Other Methods of Controlling Cumulative Impact**

There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential effects of cumulative impact in areas. These include:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council;
- provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols;
- designation of parts of the Borough as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;



Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

- prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk;
- Police powers to close down instantly, for up to 24 hours, any licensed/certificated premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a nuisance;
- powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance;
- local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury;
- the right of responsible authorities or interested parties, to seek reviews of premises licences and club premises certificates.
- **Early Morning Restriction Orders**
- **Late Night Levy**

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Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.

## Cumulative Impact Area



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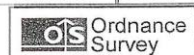
Tamworth Borough Council Licence No. LA100018267

Assistant Director (Environmental Management)  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire

Tel: 01827 709445  
Fax: 01827 709434

environmentalprotection@tamworth.gov.uk

Department:	EM_PP_cj
Drawing No:	050127
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Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

## **Further evidence in respect of the Cumulative Impact Assessment and to support the retention of the Town Centre Cumulative Impact Policy**

### **1. STAFFORDSHIRE POLICE CUMULATIVE IMPACT REPORT AS AT 5 MAY 2019**

Licensing Act 2003

Objectives:

- Prevention of crime and disorder;
- Public Safety
- Prevention of public nuisance; and
- The protection of children from harm.

The Legislation also supports a number of other key aims and purposes, including:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.

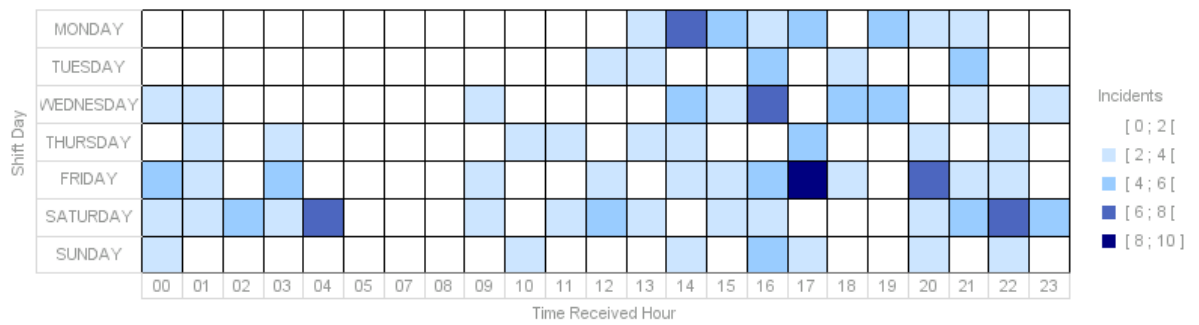
Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The key findings from the Police using data from recorded incidents are: Figures are based on year to date (05/05/2019).

- There has been a 3% decrease in Town Centre ASB in the last 12 months compared to the previous 12 months.
- Rowdy and inconsiderate behaviour is the most prevalent type. 16% of ASB calls in the town centre are marked as Alcohol related (this figure may be higher dependent on recording accuracy) compared with Tamworth as a whole which sits at 5%.
- The majority of ASB incidents occur in the afternoon to the evening and into the early hours at the weekend (shown in the heat map below). This pattern is enhanced with clear alcohol related incidents.

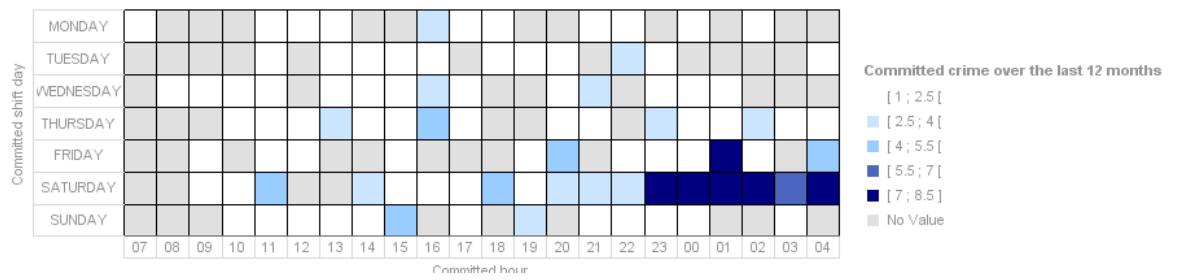
Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

### Incidents by Day and Hour (12 Months)



- There has been a 2% increase in ‘Town Centre’ Public Space Violence (PSV) in the last 12 months compared to the previous 12 months.
- The highest levels of PSV are (on average) committed between 0000hrs and 0100hrs on Friday nights and 2300hrs and 0400hrs on Saturday nights. This has a direct correlation with the Tamworth night-time economy and also ASB.

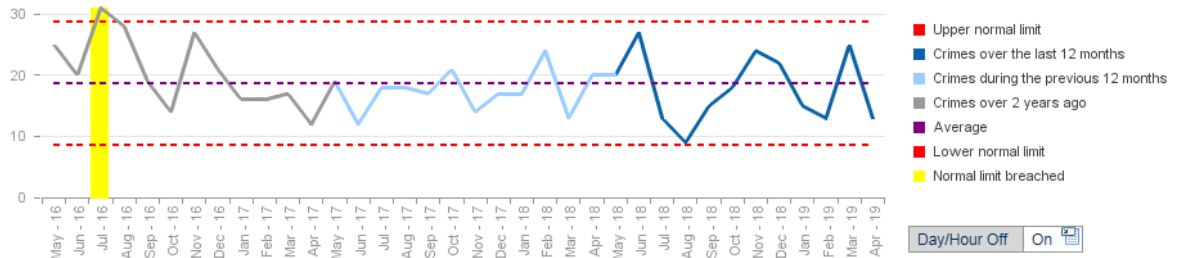
### Committed Crime by Day and Hour (12 Months)



- Public order offences have decreased, as has more serious violent crime.
- Less serious violent crime with injury, personal robbery and other violence against the person have increased.
- The highest repeat locations for PSV include licensed premises on Lower Gungate, Bolebridge Street, and Spinning School Lane all of which are within the hub of the night time economy.

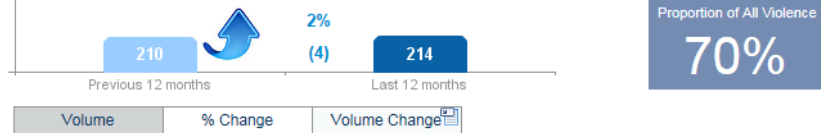
Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

### Public Space Violence in Tamworth Town Centre (castle FW00) over the past 12 months

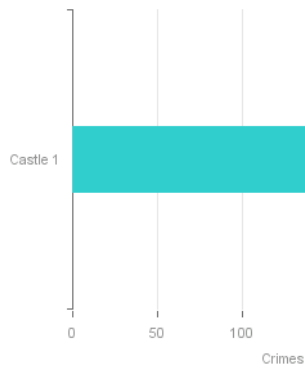


#### Change Over 12 Months (Direction)

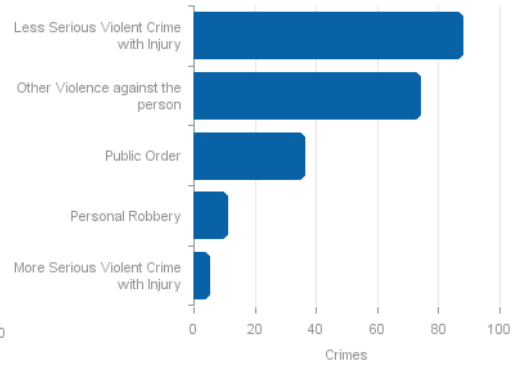
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#### RIA Crimes Over 12 Months

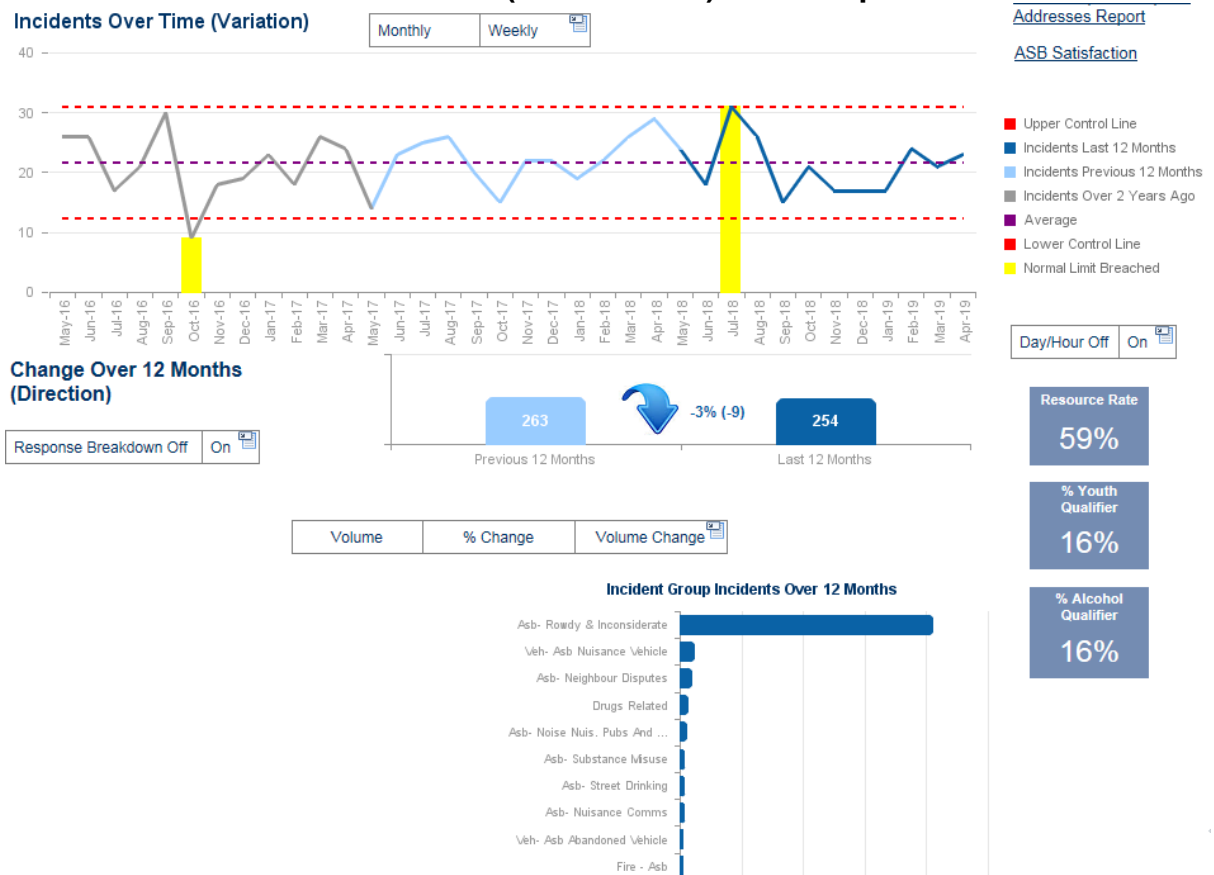


#### Offence Crimes Over 12 Months



Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

## ASB in Tamworth Town Centre (Castle FW00) over the past 12 months



What is more difficult to quantify is the amount of work officers encounter whilst engaged on Safer nights operations dealing with adults/youths who have been affected by drink or other substance misuse; making sure they receive medical treatment when required or trying to get them home safe. There is also dealing with the low level drink related incidents not recorded on the police systems. This type of work not only affects the police but partners including street wardens and ambulance staff.

The Police Licensing department have been consulted regarding Cumulative Impact assessments and have observed that they are a very useful tool in preventing premises that either already exist or are a new venture adding to violence and disorder in our town centres. The very existence of the policy has allowed us to advise prospective applicants in Tamworth of the Police stance and that we would object, and this has been sufficient to negate an application being submitted. The policies are invaluable even though a true auditable account of their use cannot be readily produced.

Whilst we make every effort to intervene and work to reduce violence and ASB in the Town Centre it is no secret that the police resource is being stretched and we do not always have the police readily available within the Town centre. Additional demand created by new ventures would have a

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negative impact on the forces ability to meet demand and hence the licensing objectives listed above.

If we do not have the policies in place, the late hour applications, new venues are more likely to be permitted creating that extra demand (increase in violence and public nuisance).

We cannot stress enough, based on above, the importance of maintaining the Cumulative Impact Zone/Area.

## 2. Comparison of the Number and type of Licensed Premises within the Town Centre Cumulative Impact Area over different years.

The table below gives a comparison of the number and type of premises holding a licence within the town centre cumulative impact area in November 2005 (when the Licensing Act 2003 came into force), the premises with a licence in 2015 and those with a licence in June 2019.

	<b>Premises with a Licence 2005 (November)</b>	<b>Premises with a Licence in 2015</b>	<b>Premises with a Licence in 2019 (June)</b>
<b>Type of Premises</b>			
<b>Night Clubs and Public Houses</b>	19	22	22
<b>Restaurants</b>	11	14	14
<b>Hotels</b>	2	2	2
<b>Takeaways</b>	10	13	10
<b>Off Sales</b>	6	9	4
<b>Clubs</b>	1	1	1
<b>Cinema/Theatre</b>	1	1	1
<b>*Others</b>	2	2	4
<b>Total premises</b>	52	64	58
<b>Total as % of all Licensed Premises in Borough</b>	25%	29%	27%
<b>Licensed to sell Alcohol in CIA</b>	41	51	48

\*Others (include open spaces having the benefit of a premises licence, hair dressing salons, bingo premises)

Please note that the proposed changes to the current policy (2015 – 2020) are in red text in this draft consultation document.

## APPENDIX 4

### 1.14 Nudity Striptease and Other Entertainment of an Adult or Sexual Nature

1) This part of the policy statement details the approach of the Licensing Authority to entertainment involving nudity, striptease or other entertainment of an adult nature and applies to applications relating to:

- new premises licence;
- new club premises certificate;
- variation of a converted premises licence;
- variation of an existing premises licence;
- variation of a converted club registration certificate;
- variation of an existing club premises certificate; and
- a provisional statement.

**In which entertainment involving nudity, striptease or other entertainment of an adult nature is proposed.**

2) This part of the policy also applies to reviews.

#### The Policy

- 3) On the 2<sup>nd</sup> of June 2010 the Council's Cabinet adopted the new powers under section 27 of the Policing and Crime Act 2009 regarding the regulation of Sexual Entertainment Venues including lap dancing.
- 4) The Council is aware of the Indecent Displays Act 1981 and other legislation covering indecency and obscenity, and notes the Secretary of State's Guidance (para. 2.17) in not seeking to use the Licensing Act 2003 or the police and crime act to go beyond these other legislative controls.





Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Licensing Policy and Cumulative Impact Assessment (CIA).	
Date Conducted	30 October 2019	
Name of Lead Officer and Service Area	Colin John/Anna Miller	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Andrew Barratt	
Who are the main stakeholders	Town Centre customers, police, license holders	
Describe what consultation has been undertaken. Who was involved and what was the outcome	<p>Formal consultation was undertaken June/July – Sept/Oct.</p> <p>Staffordshire Police have been specifically involved in discussions around the CIA.</p> <p>In total 9 respondents made comments.</p>	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	Staffordshire Police have presented evidence to support the continued CIA zone.	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>

	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

**Part 2 – Summary of Assessment**

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The Licensing Act 2003 came into force on 24 November 2005. From that date the Licensing Authority became responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment. The Borough Councils licensing policy and associated cumulative impact assessment responds to this legislation and requires regular review to ensure that the policy remains up to date and relevant.

The current policy expires at the end of the year. A revised policy is necessary from January 1 2020 onwards.

Who will be affected and how?

The Licensing Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:

- The sale of alcohol by retail; (including for consumption on or off premises, with or without food;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment to the public, club members or with a view to profit;
- the provision of late night refreshment.

Are there any other functions, policies or services linked to this impact assessment?

Yes                        No            X

If you answered 'Yes', please indicate what they are?

**Part 3 – Impact on the Community**

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	X	The policy and its application of both the licensing regulations and the CIA does not discriminate in terms of how the regulations are applied.  The outcome of the CIA is a positive impact on the town centre in terms of reputation, crime and attractiveness to all sections of the community.
Disability	<input type="checkbox"/>	X	Ditto
Gender Reassignment	<input type="checkbox"/>	X	Ditto
Marriage & Civil Partnership	<input type="checkbox"/>	X	Ditto
Pregnancy & Maternity	<input type="checkbox"/>	X	Ditto
Race	<input type="checkbox"/>	X	Ditto
Religion or belief	<input type="checkbox"/>	X	Ditto
Sexual orientation	<input type="checkbox"/>	X	Ditto
Sex	<input type="checkbox"/>	X	Ditto
Gypsy/Travelling Community	<input type="checkbox"/>	X	Ditto
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	X	Ditto
Those having an offending past	<input type="checkbox"/>	X	Ditto
Children	<input type="checkbox"/>	X	Ditto
Vulnerable Adults	<input type="checkbox"/>	X	Ditto
Families	<input type="checkbox"/>	X	Ditto
Those who are homeless	<input type="checkbox"/>	X	Ditto
Those on low income	<input type="checkbox"/>	X	Ditto
Those with Drug or Alcohol problems	<input type="checkbox"/>	X	Ditto
Those with Mental Health issues	<input type="checkbox"/>	X	Ditto
Those with Physical Health issues	<input type="checkbox"/>	X	Ditto
Other (Please Detail)	<input type="checkbox"/>	X	Ditto

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

**APPENDIX 4**

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>
N/A		

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			
N/A				

Date of Review (If applicable) .....30 October 2019.....

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**TAMWORTH BOROUGH COUNCIL  
STATEMENT OF LICENSING POLICY 2020-2023  
SUMMARY OF AMENDMENTS TO BE INCLUDED IN PROPOSED POLICY**

Page	Subject and Comment
3	<b>1. INTRODUCTION</b> Remove reference to municipal golf course
3	<b>2. LICENSING ACT 2003 STATEMENT OF LICENSING POLICY – PURPOSE AND SCOPE</b>
5	<b>Consultation</b> Insertion of text to explain why this policy will be reviewed in three years.
6	<b>3. LICENSING OBJECTIVES &amp; FUNDAMENTAL PRINCIPLES</b>
10	<b>Personal Licences</b> Insertion of update for New Applications; Suspension and Revocation;
14	<b>Immigration Act 2016 – Entitlement to Work.</b> Insertion of provisions
16	<b>Late Night Refreshment – Local Powers to Deregulate</b> Insertion of provisions
17	<b>4. INTEGRATING OTHER REGULATORY CONTROLS</b> Insertion of list of legislation and guidance
20	<b>5. INTEGRATING OTHER STRATEGIES</b> Insertion of references to Tamworth Corporate Vision and Community Strategy - Tamworth Borough Council Updated Vision. Revised vision included Tamworth Borough Council Community Safety Plan. <a href="http://www.safertamworth.org">www.safertamworth.org</a>
	<b>CUMULATIVE IMPACT</b> Remove Section and include in Appendix 3 - Cumulative Impact Assessment
31	<b>12. ENFORCEMENT</b>
31	Insertion of text to state that any enforcement action undertaken will be with a view to upholding the promotion of the licensing objectives.
31	<b>13. THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS</b> Insertion of updates in delegation criteria table. Delete reference to “paragraph 14.5 below” in column headed Full Committee - due to typographical error.
43	<b>APPENDIX 2 - List of Publications That Provide Guidance When Considering Public Safety</b>
43	Remove reference to Annex D of the Statutory Guidance issued under section 182 of the Licensing Act 2003 because Annex D is no longer included in the Guidance. Update references to list of documents where appropriate.
45/59	<b>APPENDIX 3 - TAMWORTH BOROUGH COUNCIL CUMULATIVE IMPACT ASSESSMENT</b> Insertion of Cumulative Impact Assessment Details and Evidence from Staffordshire Police Insertion of text above map of the Cumulative Impact Assessment Area to clarify which premises are included in the area. Insertion of evidence

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