

NON-CONFIDENTIAL



Borough of Tamworth

7 December 2015

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 15TH DECEMBER, 2015** at 6.00 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 the previous meeting (To Follow)**
- 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 Review of Constitution** (Pages 1 - 6)
(The Report of the Leader of the Council and the Solicitor and Monitoring Officer)
- 7 Equality and Diversity Scheme Update** (Pages 7 - 28)
(The Report of the Portfolio Holder for Operations and Assets)
- 8 Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2015/16** (Pages 29 - 52)
(The Report of the Portfolio Holder for Operations and Assets)
- 9 Local Council Tax Reduction Scheme 2016 Onwards Consultation Results**
(Pages 53 - 86)
(The Report of the Portfolio Holder for Operations and Assets)
- 10 Revised Gambling Act 2005 Statement of Principles 2016-2019** (Pages 87 - 180)
(The Portfolio Holder for Communities and Public Health)
- 11 Exclusion of the Press and Public**
To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”
- At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.
- 12 Service Charge Policy Update (To Follow)**
(The Report of the Portfolio Holder for Housing and Waste Management)

Yours faithfully

A handwritten signature in black ink, appearing to be 'A. D. D.', written over a circular scribble.

CHIEF EXECUTIVE

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

Marmion House
Lichfield Street
Tamworth

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COUNCIL

15 DECEMBER 2015

REPORT OF THE LEADER AND SOLICITOR TO THE COUNCIL & MONITORING OFFICER

REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

EXEMPT INFORMATION

None

PURPOSE

To obtain Council comments, endorsement and approval of the amendments to the Constitution as attached at Appendix 1 to the Report.

RECOMMENDATIONS

That the Council:

- 1) Adopt and approve the changes to the Constitution as presented in Appendix 1 and
- 2) Endorse the changes to the then reviewed Constitution and Scheme of Delegation

EXECUTIVE SUMMARY

The Constitution and Scheme of Delegation as reviewed are adopted by Council at the first business meeting each year to ensure probity and legal compliance. Each year new legislation requires to be taken into account as well as any political arrangements and changes that have arisen from practical considerations. The current Constitution and Scheme of Delegation can be sourced by the link detailed at Appendix 2.

The Constitution can only be amended at six month intervals and usual practice at Tamworth Borough Council is to incorporate any changes contemporaneously to the Constitution at the adoption thereof on the first business meeting of the Council each year.

A key role of the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution, to make recommendations in order to better achieve the purposes set out in Article 1 thereof, ensure good governance and probity. Monitoring of the Constitution highlighted procedures that were incomplete and difficult to follow surrounding the Call-in process.

Thus the proposed changes as presented in Appendix 1 relate to

Schedule 5 - Overview and Scrutiny Procedure Rules Paragraph 17 – Call-in and

The amendments are designed to improve and enhance the democratic process for Members and Officers within the Council.

RESOURCE IMPLICATIONS

No external advice was required for the review this municipal year.

LEGAL/RISK IMPLICATIONS BACKGROUND

Without a Constitution and Scheme of Delegation the Council could not operate effectively. The Council would run the risk of failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability in relation to legal challenge and ultra vires operation. Such challenges could lead to serious financial and reputational damage.

SUSTAINABILITY IMPLICATIONS

It is essential that the Constitution and Scheme of Delegation are lawful, fit for purpose and utilised with a pragmatic approach to improve and enhance the democratic process of the Council and operation of its associated services. In addition there is no provision to cover the cost of legal challenge within any envisaged contingency

BACKGROUND INFORMATION

The Local Government Act 1972 (as amended) provides *inter alia* for a Constitution and Scheme of Delegation.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. Accordingly the Constitution governs the Council's business.

The Scheme of Delegation is a document whereby the Council delegates to certain officers powers to undertake functions and duties on behalf of the Authority. Tamworth Borough Council has operated a Scheme of Delegation for officers for several years. The proposed Scheme of Delegation does not purport to grant officers any additional authority to which is already provided, it merely seeks to formulate arrangements into a workable document.

REPORT AUTHOR

If members would like any further information or clarification prior to the meeting please contact Jane M Hackett, Solicitor to the Council and Monitoring Officer , Ext 258

LIST OF BACKGROUND PAPERS

The Local Government Act 1972

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

The Localism Act 2011

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

APPENDICES

Appendix 1 – Proposed changes to Constitution and Scheme of Delegation

Appendix 2 - Link to Constitution and Scheme of Delegation -

<http://democracy.tamworth.gov.uk/documents/s10553/Constitution%2012th%20Edition%20-%20Updated%20September%202014.pdf>

16 Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17 Call-in

17.1 Call-in should only be used in exceptional circumstances. In particular Call-in should only be used where members of the appropriate Overview & Scrutiny committee or sub-committee have evidence which suggest that the Executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making).

17.2 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five working days of being made. All Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless an overview and scrutiny committee or sub-committee calls it in.

17.4 During that period, the Chief Executive shall Call-in a decision for scrutiny by the Overview & Scrutiny committee or sub-committee if so requested in writing or by email by the Chairman or any two members of the Overview & Scrutiny committee or sub-committee, and shall then notify the decision-taker of the Call-in. Each request shall provide (1) specific details for the reason for Call-in and (2) the areas requested to be examined. The Chief Executive in consultation with the Solicitor to the Council & Monitoring Officer shall have the right to reject such requests if they are frivolous, unsubstantial or repetitious.

17.5 The Chief Executive shall arrange a meeting of the Overview & Scrutiny committee or sub-committee on such date as the Chief Executive may determine (where possible in consultation with the Chair of the Overview & Scrutiny Committee or sub-committee) and in any case within ten (10) working days of the request for Call-in. The relevant Portfolio Holder from the Executive shall attend the overview and scrutiny committee or sub-committee to assist the consideration of the Call-in item.

17.6 The Overview & Scrutiny Committee or sub-committee convened to consider the Call-in can take one of three steps:

1. Take no further action. The Call-in item shall then take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting.
2. Refer the Call-in item back to the decision making body or person for full reconsideration. The Overview & Scrutiny committee or sub-committee that takes this step must set out in writing the nature of the

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concerns that it wishes the decision making body or person to be considered.

3. Refer the Call-in item to Council.

17.7 Should the meeting specially convened for the purpose of consideration of a Call-in item not take place then in that event the decision subject to Call-in item shall take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting.

17.8 Call-in items at steps 1 and 2 above shall be subject to the Chief Executive arranging a further meeting of the decision making body or Council within ten (10) working days of the Call-in meeting.

17.9 Where the Call-in item is referred back to the original decision making body it shall at the meeting consider the nature of the concerns referred to it from the specially convened overview and scrutiny committee. The decision making body shall decide whether to either:

- (i) Amend the earlier decision, or
- (ii) Uphold the earlier decision

It shall then adopt the final decision with immediate effect.

17.10 Should the Call-in matter not be considered by the decision making then in that event the Call-in item shall take effect on the date of the meeting arranged for the decision making body.

17.11 Where the Call-in item was a decision made by an individual member of the Executive or by an officer with delegated authority from the Executive s/he shall consider the matter with ten (10) days of the overview and scrutiny meeting. In such an event the decision maker shall consider the nature of the concerns referred to him/her from the specially convened overview and scrutiny committee or member or officer considers the Call-in item.

17.12 The individual member or officer shall decide whether to

- (i) Amend the earlier decision or
- (ii) Uphold the earlier decision

S/he shall then adopt the final decision with immediate effect.

17.13 Where the Call-in item is referred to Council. It shall at the meeting consider the nature of the concerns referred to it from the specially convened overview and scrutiny committee.

17.14 Should the Council decide to uphold the earlier decision this shall result in the matter referred to for Call-in taking effect on the date of the Council meeting.

17.15 Should the Call-in matter not be considered by Council then in that event the Call-in item shall take effect on the date of the meeting arranged for Council.

17.16 Council has no locus to make decisions of an Executive nature unless it is contrary to the policy framework or contrary to or not wholly consistent with the budget. Where Council proposes to amend the original decision it must refer the

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matter back to the original decision making body or person, together with the Council's views in writing on the decision.

17.17 In such circumstances the Chief Executive will arrange a further meeting of the decision making body within ten (10) working days of the Council meeting. That meeting shall follow the procedure outlined in paragraph 17.9 should the meeting not take place 17.10.

18 Exceptions to Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would for example – seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor the Deputy Mayor's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19 The party whip

When considering any matter in respect of which a member of an overview and scrutiny committee or sub-committee is subject to a party whip in respect of that particular item the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20 Procedure at overview and scrutiny committee and sub-committee meetings

Overview and scrutiny committees and sub-committees shall consider the following business:

20.1 minutes of the last meeting;

20.2 declarations of interest (including whipping declarations);

20.3 consideration of any matter referred to the committee or sub-committee for a decision in relation to call in of a decision;

20.4 responses of the executive to reports of the overview and scrutiny committee or sub-committee; and

20.5 the business otherwise set out on the agenda for the meeting.

Where the overview and scrutiny committee or sub-committee conducts investigations (e.g. with a view to policy development), the committee or sub-committee may also ask people to

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If following an objection to the decision, the overview and scrutiny committee or sub-committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further seven working day period, whichever is the earlier.

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TUESDAY, 15 DECEMBER 2015

THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

EQUALITY AND DIVERSITY SCHEME UPDATE

PURPOSE

This report and appendices has been produced to provide an overview on the issues and work areas around equality that the Transformation & Corporate Performance team has a lead on and/or is involved in. This report aims to provide Council with an update of the on-going work and to give assurance that systems or work streams are in place where required in order that Tamworth Borough Council embraces equality and diversity and remains compliant.

RECOMMENDATIONS

- **That Council approve the Diversity and Equalities Scheme**

EXECUTIVE SUMMARY**Current Position**

Tamworth Borough Council's last Diversity and Equality scheme and supporting action plan was reviewed in 2012 and whilst we have continued to ensure TBC remains compliant with legislation it is recognised that work in this area has been at a minimal level due to resource issues.

Over the last few months, the scheme has been revised and subject to formal approval will ensure that Tamworth Borough Council will not only remain compliant but with a few minor changes can ensure our commitment is maintained.

The revised scheme ensures that all necessary data that requires publication has now been updated and published (i.e. profile of the workforce) and includes 2 equality objectives which Cabinet have considered and approved.

The two objectives are:

- **To use customer insight to develop accessible services particularly aimed at those demonstrating the greatest need.**
- **To ensure all council strategies policies and procedures consider the impact on our diverse community/ workforce to ensure maximum inclusion.**

Review Findings

In carrying out this review it became apparent that:

- Information is currently published both from a legal and governance perspective which includes a range of demographic data, workforce data, the

Forward Plan, budgets and performance management data.

- The Modgov report template does not include any reference to impact assessment being carried out as part of the approval process.
- The budget setting process does require Directors to confirm that an equality impact assessment has been completed for all capital appraisal bids (Section 3 of the Capital Appraisal form refers).
- The business planning process does not currently require Directors and managers to consider the impact of any proposals in terms of equality.
- In learning from others we know that judicial reviews will always take into account evidence of how the authority has demonstrated consideration to equality legislation.
- The current Community Equality Impact Assessment requires simplifying.
- The current Diversity and Equalities Scheme and supporting action plan require updating.

It is therefore proposed that:

- the Modgov report template, which plays a part in proactively communicating and making clear the contents of those policies, strategies, plans etc that could have equality implications, is amended to include a mandatory paragraph that will require the author to demonstrate that they have given consideration to carrying out an impact assessment.
- The business planning process is updated to take account of the revised equality objectives to ensure that they are integral to the Councils business.
- that the revised Community Impact Assessment (as detailed in Appendix 1 Page 12) is implemented to mitigate associated risks.
- The revised action plan (Appendix 2 refers) is approved. [Note: Work on this has already commenced to ensure compliance].

RESOURCE IMPLICATIONS

Budgets for training are already in place.

Delivery of the action plan does not require any further financial investment.

Delivery of the action plan will be undertaken by existing officers within their current job role

RISK AND SUSTAINABILITY IMPLICATIONS

In carrying out this review the intention was to ensure that processes were adapted rather than additional resources requested so as to ensure sustainability.

The adoption of the objectives together with the delivery of the action plan will ensure Tamworth Borough Council remains compliant with the Public Sector Equality Duty.

HR will continue to monitor government policy on all associated matters and will advise CMT accordingly.

BACKGROUND INFORMATION

Legislation – New Government

The previous coalition Government took a light touch approach towards equalities and the Equality Act 2010. It removed some of the more prescriptive obligations on the public sector and did not enact some that were due to be brought into force under the act. The only exception to this being supporting and bringing in legislation to legalise same sex marriage.

The role of the Equality and Human Rights Commission (EHRC) has been gradually eroded with reduction to its funding, changes in leadership and changes to its role. The EHRC has largely become an organisation that looks at and investigates strategic and theme based issues around equality. It has rarely used its enforcement powers recently in relation to the public sector.

It is believed the new Conservative government are not likely to change this position and if anything, will continue to look at reducing what they see as red tape and burdens on the public sector around equalities.

Review of specific duties

The one major aspect of the Equality Act 2010 that impacts on the council is the **Specific Duties** that are in place for the public sector (known as the PSED-Public Sector Equality Duty). Both the requirements for this and guidance from government indicate a light touch without being too prescriptive. The emphasis being on using existing data and information, rather than creating or collecting additional information. The requirements are that public sector bodies must:

- Publish information annually

- Have equality objective/s and review these every 4 years

REPORT AUTHOR

Anica Goodwin, Director – Transformation and Corporate Performance
Zoe Wolicki, HR Adviser

APPENDICES

1. The revised Diversity and Equality Scheme 2015 – 2019

2. Diversity and Equality Action plan 2015- 2019

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**Making Equality Real in Tamworth
(MERIT)**

**Diversity and Equality Scheme
2015 - 2019**

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DOCUMENT CONTROL - UPDATE		
Diversity and Equality Scheme		
Version / Approval	Author	Date
Diversity and Equality Scheme v1	AG/ZW	15/10/2015

1. Statement of Intent

The Council recognises the importance of involving the wider community in the development of services, which are accessible and reflect people's needs. The Council's values go further to specify the promotion of equal opportunities and to celebrate diversity.

By making equality and diversity a core element of all things that we do, we will be best placed to achieve our vision.

Where barriers exist which prevent us from achieving our goals, we have a moral and legal obligation to break them down.

The starting point and primary focus is this council's commitment to improving outcomes for people, place and organisation against the three strategic themes common to all our partner organisations and stakeholders are then

- Regeneration, growth and prosperity
- Healthier, more confident communities
- Safer, more resilient communities

These in turn translate into the council's strategic plans and intentions and form the basis of the Corporate and local plans, the sustainability strategy and the medium-term financial strategy.

Tamworth Borough Council (TBC) has recently launched a new demand management model, which provides vital knowledge about our citizens and, more importantly, enables us to shape and redesign our services to meet the needs of those most vulnerable within our community. However, the most important aspects of our Scheme are not the words within it but the actions and outcomes we have set ourselves in conjunction with the Tamworth community and visitors to the area.

2. Introduction

The Scheme outlines how we will promote diversity and equality in the delivery of our services provided both directly by ourselves and in conjunction with our partners.

Taking into account UK legislation, we have taken the decision to produce a scheme which clearly addresses our duties and responsibilities in relation to:

- Age
- Disability
- Gender reassignment
- Race (which includes ethnic or national origins colour or nationality)
- Gender
- Religion or belief
- Sexual orientation
- Pregnancy and maternity
- Marriage and civil partnership *

The above are known as protected characteristics within the act

* Only the first aim of the General Duty applies to the characteristic of marriage and civil partnership

This reflects our commitment to the wider equality agenda while ensuring that the strict duties that are placed upon us under the provisions of Equality Act. Consequently our actions in respect of each area are set out throughout the scheme.

With increased partnership working, commissioning and procurement of services, the Scheme also sets out the expectations placed on partners, suppliers and the voluntary sector to contribute to the Council's equality and diversity agenda.

The aim of this Scheme is to integrate the Council's equality and diversity activities into normal service delivery mechanisms, while at the same time encouraging directorates to deliver their products and services in an innovative and creative way. Prior to any mainstreaming, a key element of the Scheme will be the expectation that consultation and involvement of individuals and organisations will take place within the community to better understand their requirements and any barriers they face.

The scheme will be reviewed annually and reported to Cabinet.

3. Policy Statement

We need to create and maintain a community that embraces change and welcomes diversity; diversity helps to build such communities by celebrating differences and combining our talents.

To achieve this, the Council is committed to removing discrimination from public life. This includes major commitments that establish the Council as a community leader:

- The Council is striving to ensure that it does not discriminate against staff or members of the public.
- The Council is working to make Tamworth a place free from discrimination.
- People are proud to be who they are.
- Striving to ensure that the contribution of all groups is valued.
- All people are empowered to engage as citizens.
- Differences between people are welcomed.
- Removing barriers to ensure that all groups have the same chances of success.
- The Council will provide services that are inclusive and designed to meet customer needs.

The Council will support anyone who shares the same aims, including community groups, trade unions and partner organisations.

Tamworth Borough Council is committed to providing value for money and accountability which will underpin the delivery of all corporate themes. Working with others, the Council will deliver services that are well-governed, ethical, effective, efficient and economically viable.

4. Diversity and Equality at Tamworth Borough Council

4.1 What are our legal duties?

4.1.1 Equality Act 2010

The act brings together, harmonises and extends previous equality law. The Equality Act has replaced all previous discrimination law with a single act. The majority of the Act came into force on 1 October 2010. Within the Act there is a public sector equality duty which came into force on 6 April 2011. The public sector equality duty applies to public bodies and others carrying out public functions.

4.1.2 The public sector equality duty

The Public Sector Equality Duty consists of a general duty and specific duties which apply to the council.

4.1.3 The general duty

The general duty requires the Council to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups.

This means the Council is required to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

4.1.4 The specific duties

The specific duties underpin the general duty, they require the Council to:

- Publish its equality objectives and review them at least every four years starting from April 2012; and
- Publish information on employees and those affected by the council's policies at least annually, this can be found at www.tamworth.gov.uk.

The Council's objectives are:

- To use customer insight to develop accessible services, particularly aimed at those demonstrating the greatest need.
- To ensure all council strategies policies and procedures consider the impact on our diverse community/workforce to ensure maximum inclusion.

4.2 Monitoring the Scheme

The Scheme will be reviewed annually to check progress against actions and refresh the action plan for the following year. Progress will be reported to Cabinet on all diversity and equality matters annually this will be done via the council's performance management system COVALENT.

4.3 Consultation, Communication, Input and Involvement of the Community and Partner Organisations

A key element of the Council's overall programme of services, which forms an integral part of the Diversity and Equality Scheme, is customer involvement. The ability to access groups and individuals who face barriers and discrimination, which can provide a positive input to the development of services, is vital. Consultation and involvement with people is an essential part of current equality legislation.

4.4 Communication

A copy of the Scheme will be issued to all staff via NETCONSENT and elected members via email, in an effort to ensure that the Scheme is put into practice. In addition, the Scheme will be placed on the Council's intranet and internet.

The Scheme will also be included with tender information and contracts for work undertaken for Tamworth Borough Council by external organisations and individuals. All of our policies, including those relating to equality and diversity, will upon request be made available for translation and/or in another medium where required.

Our Procurement Strategy makes specific reference to our commitment ensure that all procurement practices comply with equality legislation.

Our partners and contractors will also be made aware of our commitment and targets under this scheme and again this will be detailed in the action plan.

5. Community Impact Assessments

The Public Sector Equality Duty requires the council to assess the impact on equality of policies, procedures; however the mechanism to do so is not specific.

Tamworth Borough Council has developed a straightforward internal process that seeks to ensure strategies and policies are impact assessed. This assessment goes further than just the protected characteristic and includes a number of other elements including safeguarding of the vulnerable, health and the environment. The process can be found at 14.1.

6. Programme of Training and Development

Diversity training is a mandatory requirement for all employees and elected members. All staff and elected members will attend a workshop by June 2016, the aim of which will be to provide refresher training and launch the updated scheme.

Staff

TBC has a comprehensive Diversity and Equality awareness training workshop which is mandatory for all new staff within the first six months of employment, with a refresher for all staff every three years. The programme is delivered in partnership with IODA who are diversity specialists.

The aim of the programme is to raise awareness of both legal and moral duties in the development of service provision, ensure all employees have read and understood the council's Equality and Diversity Scheme and to afford employee the opportunity to develop their knowledge.

Elected Members

We recognise each year that our elected membership may change and as such we need to ensure that their knowledge and skills in this area is current. Future activities in this area are contained within the action plan.

7. Breaches of this Policy

Any breach of this Policy will be treated very seriously and employees may be disciplined in accordance with the Council's Capability and Conduct Policy.

8. Responsibilities

- **Cabinet Members:** are responsible for approving this policy and monitoring performance via the performance management framework and all strategic policies are impact assessed.
- **Deputy Leader and Portfolio Holder for Assets:** has responsibility for equality and diversity. The portfolio holder is required to work closely with the Council's designated officers and champion the scheme and its contents with elected members.
- **Chief Executive:** is responsible for ensuring that the Council is complying with the Public Sector Equality Duty.
- **Director for Transformation and Corporate Performance:** is the organisation's Equality Champion and is responsible for ensuring equality activities are carried out in the Authority.
- **All Directors:** will ensure that policies presented to cabinet for approval and supporting strategies and procedures are impact assessed as per the scheme.
- **Children's and Families Safeguarding Officer:** is the Council's lead Officer for safeguarding children and vulnerable adults. The Safeguarding and Vulnerable Adults Protection Policy can be found on the Council's intranet site Infozone
- **Human Resources:** will advise on the scheme, organise delivery of necessary training, monitor and produce employee profiles and workforce data and liaise with all service delivery managers to ensure awareness and compliance.
- **Managers:** are responsible for delivering equality in their area of responsibility, embedding it into policy and delivery of the services provided. Managers will also be responsible for ensuring breaches of the scheme are brought to the attention of the relevant director for any necessary action.
- **All Employees:** have a responsibility to treat people fairly, take account of different people's needs, challenge inappropriate behaviour and not knowingly discriminate, harass or victimise anyone and attend relevant training with regard to equality and diversity.
- **Contractors, Suppliers and Consultants:** are expected to meet equality requirements within contracts and service level agreements. The Council will not award contracts without an appropriate level of equality commitment from contractors.
- **Volunteers:** are expected to comply with, and be treated in line with, the principles of this policy.
- **Audit:** are expected to carry out reviews of the scheme as specified by the annual audit plan

9. Reporting Harassment or Discrimination

We have established systems for employees to raise any issues around harassment or discrimination via our Grievance and Dignity and Respect at Work policies.

We have also reviewed our arrangements for the reporting on incidents of harassment or suspected discrimination from members of the public in relation to service provision. The scheme covering this is known as the harassment, assaults and threats policy and is available on the Council's website.

10. Complaints, Comments and Compliments

We encourage feedback from local people and undertake to investigate complaints thoroughly in accordance with our procedures.

The council has complaints, comments and compliments procedure known as "Tell Us", which is operated in accordance with our diversity and equalities agenda.

We are committed to:




- dealing with complaints and comments quickly and effectively
- using feedback to review and improve our services
- encourage feedback from all sections of the community and undertake to investigate complaints thoroughly in accordance with our procedures.
- ensuring complaints, comments and compliments are fed back to the service area for a prompt response.
- ensuring that information from complaints are captured and monitored with the diversity agenda in mind.

11. Our Workforce



11.1 Full Time Equivalent Employees

	2009	2010	2011	2012	2013	2014	2015
FTE (April)	361.69	378.92	344.47	339.87	340.14	351.34	325.20

Key Facts:





-  The headcount and FTE figures of the Council have fluctuated over the last five years in response to a Voluntary redundancy exercise undertaken in 2010, which took effect in 2011. While FTE figures did reduce, the number of contracts and employees overall has remained reasonably stable in this period.
-  A peak in 2014 reflects an increase in temporary contracts and the dip in April 2015 is as a result of service reviews taking effect along with a delay in seasonal summer recruitment which took effect after that date. FTE on 1st October 2015 is 323.08. The figure is currently low due to a high number of vacancies in many areas which are subject to service reviews (customer services, arts and events, castle etc) or are in the process of recruitment (supported housing, housing solutions, streetscene).
-  A recruitment moratorium in force since July 2013 has prevented further growth to reduce the current FTE count.

11.2 Number and Type of Contracts Issued

							
	Male Full-time	Male Part-time	Male Casual	Female Full-time	Female Part-time	Female Casual	Total
Sep-15	135	4	44	139	79	75	477
Sep-13	144	10	54	148	85	67	508
Jun-06	165	14	49	172	122	76	598

Note: multiple contracts can be issued to the same individual above figures exclude elections/canvass staff.

Key Facts:

-  There is a slight shift away from full time workers into more flexible arrangements to meet with business needs through casual and part time contracts.
-  We do have a reasonable proportion of staff with multiple part time or casual contracts.
-  Careful consideration will need to be given in the future to the use of casual contracts due to their implications to pensions and close monitoring will need to take place in this area to ensure employment rights are recognised where appropriate.
-  Elections and canvass staff contracts equate to a further 832 contracts amongst 585 staff.

11.3 Length of Service

	<1 year	1 to 2	3 to 5	6 to 10	11 to 15	16 to 20	>20
2013	44	55	112	112	65	31	67
2015	28	45	95	92	115	36	61





11.4 Workforce demographics

Based on headcount including casuals but not election/canvass

11.4.1 Age

	55+	45 -55	35-44	25 -34	Under 25	Total
Sept-15	131	148	103	67	28	476
Oct-13	104	136	118	82	46	486
Jun-06	73	141	142	78	39	473


Key Facts:

-  The average age of a TBC worker is 46.
-  Nine workers are over 65 years of age.
-  There is a noticeable shift in the age profile of the organisation to a generally ageing workforce compared to 2006 and worryingly, the number of staff under 25 has dropped dramatically.
-  While flexible retirement is proving a very popular option for staff who qualify, very few individuals are showing indications of retiring at 65, with many working beyond this.

11.4.2 Ethnic Group

	Withheld	British	Bangladeshi	Caribbean	Chinese	Indian	Irish	Pakistani
2013	15	455	1	6	2	2	1	4
2015	26	438	1	6	2	1	1	1

Key Facts:




-  These levels are consistent with the local population profile.

11.4.3 Disability

	Withheld	Disabled	Not Disabled
2013	8	9	469
2015	6	2	469

12. Our Community

12.1 Profile of our Council Tenants

Gender	 39% of our tenants are men and  61% are women.
Ethnicity	We know the ethnicity of 79% of our tenants. 77% of our tenants are White British, 2% are Black and Minority Ethnic and 21% unknown.
Age	We know the age of 93% of our tenants. 63% of our tenants are aged between 16 and 64 and 31% are aged over 65 and 6% unknown.
Disability	 We know that 17% of our tenants have a disability of some form.
Religion	We know the religion of 32% of our tenants.
Sexual Orientation	We know the sexual orientation of 29% of our tenants.

12.2 Demographic Overview of our Community with Regional and National Comparison

	Tamworth		Staffordshire		England	
Total 2013 population	77,157		857,007		56,948,229	
Total under 5 population	4,978	6.5 %	46,099	5.4%	3,592,907	6.3%
Total under 16 population	15,242	19.8%	149,370	17.4%	10,764,403	18.9%
Total Working age (16-64) population	49,426	64.1%	536,755	62.6%	36,278,017	63.7%
Total 65+ Population	12,489	16.2%	170,882	19.9%	9,905,809	17.4%
Minority Ethnic Group %	5.0%		6.0%		20.2%	

It is recognised that the percentage of our community from minority ethnic groups has significantly increased from 1.9% (when data was collected for the previous scheme) to 5% (in the locality profile March 2015). Further research into this is underway.

13. We would like to hear your feedback.

We welcome all feedback on the content of this scheme.

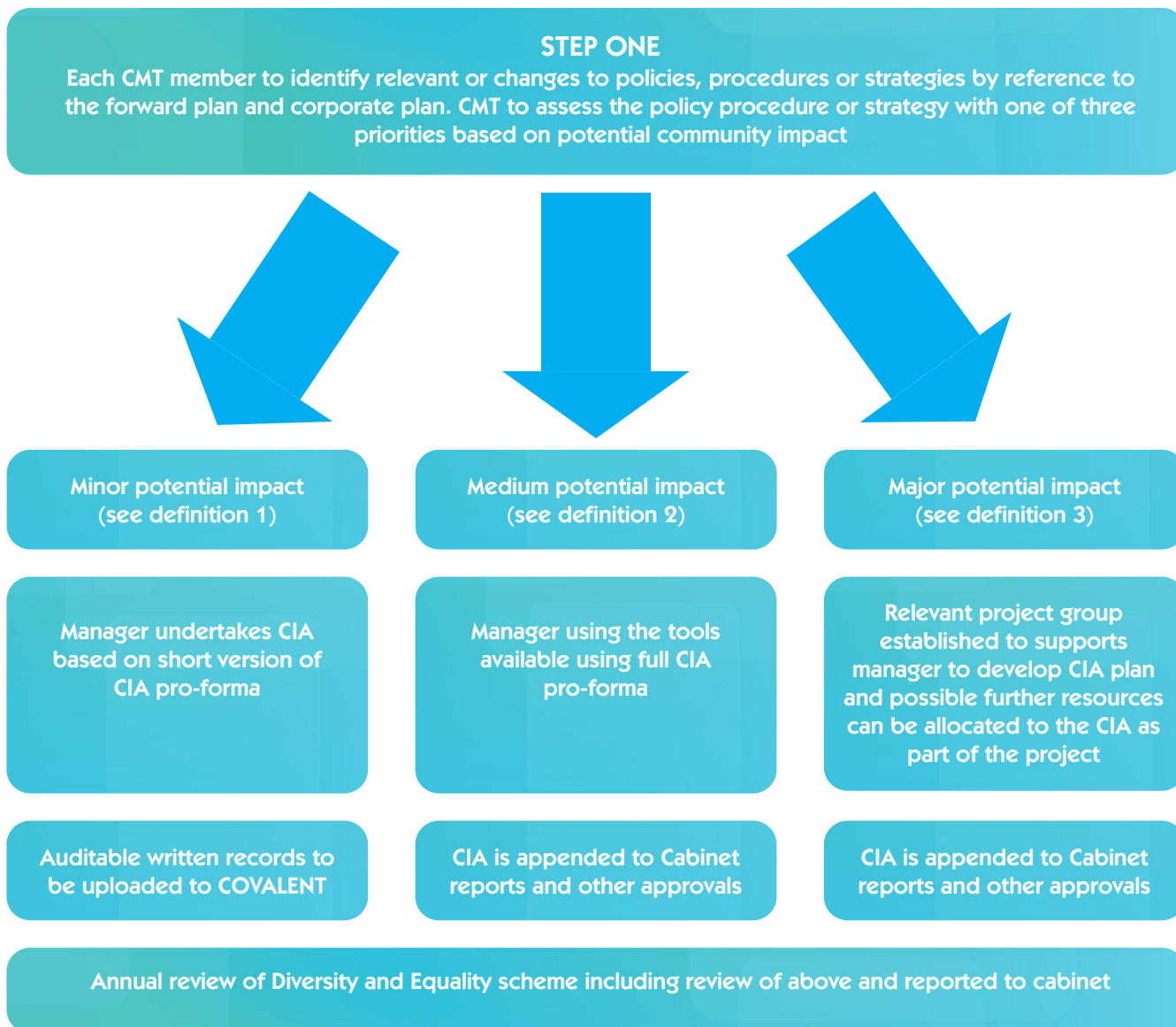
You can contact us by:

 enquiries@tamworth.gov.uk

 01827 709709

14. Appendices

14.1 Community Impact Assessment



Definition 1

Minor Potential Impact

This refers to policies, procedures or strategies such as HR policies, Subsistence Policy, these will be deemed to have no or minimal direct impact on place, people or organisational performance and will more likely be internal processes, procedures or strategies that affect only Tamworth the organisation or the people within it.

Definition 2

Medium Potential Impact

This refers to policies and strategies such as Licensing Policy, Repairs Policy. These will be deemed to have significant impact affecting one or more groups within the community.

Partners to be involved as required and some community consultation may be required.

Definition 3

Major Potential

All policies procedures and strategies defined within this area will be referenced within the corporate plan and forward plan. CMT will be aware of the high level impact of this document, every decision within this area should have a Community Impact Assessment carried out at an in depth level. The impact of these policies, procedures and strategies will be fundamental to Tamworth the Place and its community and/or the organisation and will be both complex and potentially contentious by nature examples of these are Core strategy, Customer Service and Access Strategy, Housing and Health Strategy.

14.2 Supporting Information

What do we mean by Diversity and Equality?

The two concepts of Diversity and Equality are very different and together form a whole that is larger in many respects than the sum of its individual constituents.

Diversity recognises that we can only achieve equality by taking into account the different needs of communities, equality is impossible to achieve without recognising diversity. Diversity is more about good management practice.

An example of Diversity

To ensure that all communities benefit equally from services, the Local Authority recognises that they need to address the different communities in the area. They developed an action plan for Black and Minority Ethnic people which included:

- Involving Black and Minority Ethnic organisations in advising on how they could change their service.
- Training staff in adapting services to meet diverse cultural, religious and dietary requirements.
- Researching best practice in other Local Authorities.
- Ensuring that information about the service can be produced in different languages, or in plain English versions.

A similar action plan was developed for services that needed to target particular disabled groups and gay, lesbian and bi-sexual communities.

Equality refers to outcomes, making sure that all social groups benefit equally from our activities.

An example of Equality

By comparing take up for services with the census, a Local Authority is aware that some community groups are underrepresented. Equality would only be achieved if service uptake is in the same proportion to the numbers of people in the district from different communities.

What is discrimination?

Discrimination is a type of negative treatment that affects a whole group of people or an individual because they belong to a group.

The best way to understand discrimination is to set it against other types of negative treatment. Negative treatment edges into discrimination when the person on the receiving end is being badly treated by someone else who assumes a dominant or superior position.

Reasons for bad treatment	Who it affects
Individuality	Individuals, such as personality conflicts, or aspects of a person that lead to them being harassed or bullied (i.e. a response to a person's personal behaviour).
Life circumstances/condition	People who have a change of life circumstances that leads to temporary bad treatment (i.e. becoming homeless or losing a job, and seeing how other people's behaviour changes towards them).
Social identity	A person's basic identity (who they are) is abused. The target is something about the individual which they share with a whole group and cannot change. This affects: <ul style="list-style-type: none"> ■ Ethnicity ■ Gender ■ Sexuality ■ Disability ■ Religion and cultural identity ■ Age

Discrimination affects whole groups in the following ways:

- Discrimination is a prejudiced reaction to a person's social identity (such as their gender or race).
- Discrimination is systematic, or institutional (i.e. it is embedded in laws, policies and in everyday culture – including much 'common sense').
- Discrimination leads to negative patterns (i.e. continuing pay gap between men and women, or continuing link between disability lack of employment).

Equality law recognises two types of discrimination:

- Direct discrimination: this is when there is a conscious intention to discriminate.
- Indirect discrimination: this is when discrimination is an intended result of a decision or action.

An example of Equality

A Council introduces a free advice service for single mothers who are employees. A male single parent objects on the grounds of sex inequality and is told that there is insufficient demand to extend this discretionary service to male employees.

An example of indirect discrimination

A Council introduces an employee support group for single parents. After a year the Council carries out a monitoring exercise of the group and finds that all members are female. This is despite the fact that there has been an increase in male single parents who are employees. The Council refuses to consult with male single parent employees on the grounds that all employees know about the group. The result is that the Council is not able to find out why the pattern has emerged that only women are using the group.

Equality Impact Assessment

Is this a new or existing policy?	Update to existing		
1. Briefly describe the aims, objectives and purpose of the policy?	To comply with the Equality Act 2010 which will ensure TBC's employees and services it offers are not discriminatory		
2. Are there any associated policy/ procedure/ practice which should be considered whilst carrying out this equality impact assessment?	Landlord Services Health Inequalities Policy Housing Strategy TBC Corporate Objectives		
3. Who is intended to benefit from this policy and in what way?	Employee of TBC and citizens of Tamworth or those accessing Council services within the borough		
4. What are the desired outcomes from this policy?	Compliance with legislation, all strategies and policies consider the impact on those who will access the service		
5. What factors/ forces could contribute/ detract from the outcomes?	Inconsistent application, indirect discriminatory practices		
6. Who are the main stakeholders in relation to the policy?	Citizens of Tamworth, Employees, Trade Unions, Elected Members		
7. Which individuals/ groups have been/ will be consulted with on this policy?	Trade unions, CMT, Heads of Service, Elected Members		
8. Are there concerns that the policy could have a differential impact on racial groups?	gg	As a result of	
9. Are there concerns that the policy/ procedure/ practice could have a differential impact due to gender?		N	
10. Are there concerns that the policy could have a differential impact due to them being transgender or transsexual?		N	
11. Are there concerns that the policy could have a differential impact due to disability?		N	
12. Are there concerns that the policy could have a differential impact due to sexual orientation?		N	
13. Are there concerns that the policy could have a differential impact due to age?		N	
14. Are there concerns that the policy could have a differential impact due to religious belief?		N	
15. Are there concerns that the policy could have a differential impact on Gypsies/ Travellers?		N	
16. Are there concerns that the policy could have a differential impact due to dependant/caring responsibilities?		N	
17. Are there concerns that the policy could have a differential impact due to them having an offending past?		N	
18. Are there concerns that the policy could have an impact on children or vulnerable adults?		N	
19. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?		N	
20. Could the differential impact identified in 8 – 19 amount to there being the potential for adverse impact in this policy/ procedure/ practice?		N	
21. Can this adverse impact be justified: <ul style="list-style-type: none"> ■ on the grounds of promoting equality of opportunity for one group? ■ For any other reason? 	N/A		
22. As a result of carrying out the equality impact assessment is there a requirement for further consultation?		N	Please explain
23. As a result of this EIA should this policy be recommended for implementation in it's current state?	y		Statutory compliance will be achieved.

PLEASE COMPLETE THE FOLLOWING ACTION PLAN FOR ALL IMPACT ASSESSMENTS
Equality Impact Assessment Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

Action/ Activity	Responsibility	Target	Progress
Review in line with implementation of action plan	AG/ZW	2019	
Monitoring arrangements:		Data collected quarterly	
Publication:			
Review Period:		Reviewed 12 monthly unless otherwise stated	

End of Document

Tamworth Borough Council

Diversity and Equality Action Plan 2015 – 2019

Action	By when	Responsible officer	Completed	Outcome
Annual review of the scheme and action plan	By end of October 2015	AG/ZW	15/10/2015	Compliance with legislation
Annual report to cabinet on scheme	By end of December 2016	AG/ZW	Ongoing	Ensuring compliance with legislation
Revised 2015 -2019 scheme approved by CMT	By end October 2015	AG/ZW	Presented and approved by CMT on 19/10/2015	Scheme in place TBC compliant with legislation
Revised 2015 – 2019 Scheme approved by cabinet	By end November 2015	AG/ZW	Presented and approved by Cabinet on 5/11/2015	Scheme in place TBC compliant with legislation
Revised 2015-19 Scheme approved by Council	By end of Dec 2015	Portfolio holder	To be presented 15/12/15	Scheme in place TBC compliant with legislation
Scheme is communicated via netConsent and internet	By end of Dec 2015	AG/ZW		Compliance with internal audit recommendations
Development of a training matrix which determines mandatory training including E&D	By end of Feb 2015	ZW	February 2015	CMT approved the matrix and associated actions
Delivery of E&D training and refresher for employees and elected members	By 2018	ZW and Directors		Compliance with mandatory training matrix as agreed by CMT 19 Jan 15
Carry out annual equal Pay Audit	By end of March annually	CT	Approved in January 2015	Compliance with equal pay legislation
Publish annual pay policy	By end of December annually	AG	March 2015	Compliance with Section 38 of the Localism Act 2011
Carry out equalities audit as per annual audit plan	By end of February 15	ZS	February 15	Compliance with internal governance arrangements
Establish and communicate equality objectives and review on 4 yearly basis (ie use of Net Consent, internet)	By end of December 15	AG/ZW		Compliance with Public Sector Equality Duty (contained within the Equality Act 2010)
All HR policies must contain completed impact assessments	In line with review dates	CT	ongoing	Compliance internal audit recommendations
Publication of workforce data on an annual basis	Update by end of December 2015	AG/ZW	Published October 15	Compliance with Public Sector Equality Duty (contained within the Equality Act 2010)
Update equalities Risk Register	By end of Jan 2016	AG		Compliance with internal audit recommendations
All directors to ensure that	Ongoing	Directors		Improved provision of

strategic policies and procedures contain community impact assessments				service ensuring maximum inclusion
Monitor compliance with the Public Sector Equality Duty	Annually	AG/ZW	September 2015	Review completed September 15
Amend the Forward Plan to include an extra column asking the author to ensure that recommendations put before Cabinet or Council have been impact assessed in accordance with the protocol	By end of January 2016	AG		Achievement of equality objective
Update the PMF to ensure directors and managers give consideration to carrying out the relevant impact assessment when developing business plans	By end of January 2016	AG/JD		Improved provision of service ensuring maximum inclusion
Improve knowledge of the demographic of Tamworth in terms of the protected characteristics	By end March 2016	ZW/JD		Improved provision of service ensuring maximum inclusion

Key

Complete
In Progress
Not Started

COUNCIL

TUESDAY, 15TH DECEMBER 2015

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2015/16

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:

- 1. Accept the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2015/16;**
- 2. Approve the changes to the credit methodology whereby viability, financial strength and support ratings will not be considered as key criteria in the choice of creditworthy investment counterparties, and revise the minimum sovereign credit criterion to AA- for all sovereigns within our current Annual Investment Strategy; and**
- 3. Approve the inclusion of Property Funds within the Treasury Management Strategy Statement and Annual Investment Strategy as an additional form of Non- Specified Investment for potential future use.**

EXECUTIVE SUMMARY

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

- An economic update for the first six months of 2015/16;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital Position (Prudential Indicators);
- A review of the Council's investment portfolio for 2015/16;
- A review of the Council's borrowing strategy for 2015/16;
- A review of any debt rescheduling undertaken during 2015/16;
- Icelandic Banking Situation;
- A review of compliance with Treasury and Prudential Limits for 2015/16.

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 0.69% (0.56% for the same period in 2014/15) compared to the 3 Month LIBID benchmark rate of 0.46% (0.42% for the same period in 2014/15). This excludes all investments currently classified as 'At Risk' in the former Icelandic Banking institutions.
4. In keeping with recent changes in the Credit Rating Agencies' methodologies, in response to the evolving regulatory regime, the credit element of our own credit assessment process now focuses solely on the Short and Long Term ratings of an institution. While this is the same process that has always been used by Standard & Poor's, this has been a change to the use of Fitch and Moody's ratings. It is important to stress that the other key elements to our process, namely the assessment of Rating Watch and Outlook information as well as the Credit Default Swap (CDS) overlay have not been changed. Our Treasury management consultants Capita have recommended that in order to be consistent with the above approach and to allow us to fully access the revised list of banking counterparties under the new methodology, that we should amend our current Annual Investment Strategy minimum sovereign credit criterion to AA- for all sovereigns.
5. Following a review of other investment options that are not currently included within our 2015/16 Strategy Statement, Members are requested to approve the inclusion of Property Funds as an addition to the list of non- specified investments for potential future use.

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 has been delivered for Members in February 2015 and October 2015.

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

The Chartered Institute of Public Finance and Accountancy (CIPFA) issued its revised Code of Practice for Treasury Management in November 2009 (revised 2011) following consultation with Local Authorities during that summer. The revised Code 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 2015/16 presented to Members this year and therefore ensures this Council is embracing Best Practice in accordance with CIPFA's revised Code of Practice. Cabinet also receive 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 maximising 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.

Treasury Management is defined as:

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

Introduction

The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised November 2011) was adopted by this Council on 13th December 2012.

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, and covers the following:

- An economic update for the first six months of 2015/16;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's Capital Position (Prudential Indicators);
- A review of the Council's investment portfolio for 2015/16;
- A review of the Council's borrowing strategy for 2015/16;
- A review of any debt rescheduling undertaken during 2015/16;
- Icelandic Banking Situation;
- A review of compliance with Treasury and Prudential Limits for 2015/16.

Key Changes to the Treasury and Capital Strategies.

1. Changes in credit rating methodology.

The main rating agencies (Fitch, Moody's and Standard & Poor's) have, through much of the financial crisis, provided some institutions with a ratings "uplift" due to implied levels of sovereign support. Commencing in 2015, in response to the evolving regulatory regime, all three agencies have begun removing these "uplifts" with the timing of the process determined by regulatory progress at the national level. The process has been part of a wider reassessment of methodologies by each of the rating agencies. In addition to the removal of implied support, new methodologies are now taking into account additional factors, such as regulatory capital levels. In some cases, these factors have "netted" each other off, to leave underlying ratings either unchanged or little changed. A consequence of these new methodologies is that they have also lowered the importance of the (Fitch) Support and Viability ratings and have seen the (Moody's) Financial Strength rating withdrawn by the agency.

In keeping with the agencies' new methodologies, the credit element of our own credit assessment process now focuses solely on the Short and Long Term ratings of an institution. While this is the same process that has always been used by Standard & Poor's, this has been a change to the use of Fitch and Moody's ratings. It is important to stress that the other key elements to our process, namely the assessment of Rating Watch and Outlook information as well as the Credit Default Swap (CDS) overlay have not been changed.

The evolving regulatory environment, in tandem with the rating agencies' new methodologies also means that sovereign ratings are now of lesser importance in the assessment process. Where through the crisis, authorities typically assigned the highest sovereign rating to their criteria, the new regulatory environment is attempting to break the link between sovereign support and domestic financial institutions. This is in relation to the fact that the underlying domestic and where appropriate, international, economic and wider political and social background will still have an influence on the ratings of a financial institution.

It is important to stress that these rating agency changes do not reflect any changes in the underlying status or credit quality of the institution, merely a reassessment of their methodologies in light of enacted and future expected changes to the regulatory environment in which financial institutions operate. While some banks have received lower credit ratings as a result of these changes, this does not mean that they are suddenly less credit worthy than they were formerly. Rather, in the majority of cases, this mainly reflects the fact that implied sovereign government support has effectively been withdrawn from banks. They are now expected to have sufficiently strong balance sheets to be able to withstand foreseeable adverse financial circumstances without government support.

In fact, in many cases, the balance sheets of banks are now much more robust than they were before the 2008 financial crisis when they had higher ratings than now. However, this is not universally applicable, leaving some entities with modestly lower ratings than they had through much of the “support” phase of the financial crisis.

Our Treasury management consultants Capita have also recommended that in order to be consistent with the above approach, and to allow us to fully access the revised list of banking counterparties under the new methodology, that we should amend our current Annual Investment Strategy minimum sovereign credit criterion to AA- for all sovereigns.

2. Property Funds

Following a review of other investment options that are not currently included within our 2015/16 Strategy Statement, Members are requested to approve the inclusion of Property Funds as an addition to the list of non- specified investments for potential future use.

The use of these instruments can be deemed capital expenditure, and as such will be an application (spending) of capital resources. This Authority will seek guidance on the status of any fund it may consider using. Limits will be set based on levels of reserves and balances going forward and appropriate due diligence will be undertaken before investment of this type is considered.

3. Economic Update

3.1.1 UK

UK GDP growth rates in 2013 of 2.2% and 2.9% in 2014 were the strongest growth rates of any G7 country; the 2014 growth rate was also the strongest UK rate since 2006 and the 2015 growth rate is likely to be a leading rate in the G7 again, possibly being equal to that of the US. However, quarter 1 of 2015 was weak at +0.4% though there was a rebound in quarter 2 to +0.7%. The Bank of England’s August Inflation Report included a forecast for growth to remain around 2.4 – 2.8% over the next three years. However, the subsequent forward looking Purchasing Manager’s Index, (PMI), surveys in both September and early October for the services and manufacturing sectors showed a marked slowdown in the likely future overall rate of GDP growth to about +0.3% in quarter 4 from +0.5% in quarter 3. This is not too surprising given the appreciation of Sterling against the Euro and weak growth in the EU, China and emerging markets creating headwinds for UK exporters. Also, falls in business and consumer confidence in September, due to an increase in concerns for the economic outlook, could also contribute to a dampening of growth through weakening investment and consumer expenditure. For this recovery to become more balanced and sustainable in the longer term, the recovery still needs to move away from dependence on consumer expenditure and the housing market to manufacturing and investment expenditure. The strong growth since 2012 has resulted in unemployment falling quickly over the last few years although it has now ticked up recently after the Chancellor announced in July significant increases planned in the minimum (living) wage over the course of this Parliament.

The MPC has been particularly concerned that the squeeze on the disposable incomes of consumers should be reversed by wage inflation rising back above the level of inflation in order to ensure that the recovery will be sustainable. It has therefore been encouraging in 2015 to see wage inflation rising significantly above CPI inflation which slipped back to zero in June and again in August. However, with the price of oil taking a fresh downward direction and Iran expected to soon re-join the world oil market after the impending lifting of sanctions, there could be several more months of low inflation still to come, especially as world commodity prices have generally been depressed by the Chinese economic downturn. The August Bank of England Inflation Report forecast was notably subdued with inflation barely getting back up to the 2% target within the 2-3 year time horizon.

Despite average weekly earnings ticking up to 2.9% y/y in the three months ending in July, (as announced in mid-September), this was unlikely to provide ammunition for the MPC to take action to raise Bank Rate soon as labour productivity growth meant that net labour unit costs appeared to be only rising by about 1% y/y.

However, at the start of October, statistics came out that annual labour cost growth had actually jumped sharply in quarter 2 from +0.3% to +2.2%: time will tell if this is just a blip or the start of a trend.

There are therefore considerable risks around whether inflation will rise in the near future as strongly and as quickly as previously expected; this will make it more difficult for the central banks of both the US and the UK to raise rates as soon as had previously been expected, especially given the recent major concerns around the slowdown in Chinese growth, the knock on impact on the earnings of emerging countries from falling oil and commodity prices, and the volatility we have seen in equity and bond markets in 2015 so far, which could potentially spill over to impact the real economies rather than just financial markets. On the other hand, there are also concerns around the fact that the central banks of the UK and US have few monetary policy options left to them given that central rates are near to zero and huge QE is already in place. There are therefore arguments that they need to raise rates sooner, rather than later, so as to have ammunition to use if there was a sudden second major financial crisis. But it is hardly likely that they would raise rates until they are sure that growth was securely embedded and 'noflation' was not a significant threat.

The forecast for the first increase in Bank Rate has therefore progressively been pushed back during 2015 from Q4 2015 to Q2 2016 and increases after that will be at a much slower pace, and to much lower levels than prevailed before 2008, as increases in Bank Rate will have a much bigger effect on heavily indebted consumers than they did before 2008.

The Government's revised Budget in July eased the pace of cut backs from achieving a budget surplus in 2018/19 to achieving that in 2019/20.

3.1.2 U.S.

GDP growth in 2014 of 2.4% was followed by first quarter 2015 growth depressed by exceptionally bad winter weather at only +0.6% (annualised). However, growth rebounded very strongly in Q2 to 3.9% (annualised) and strong growth was initially expected going forward. Until the turmoil in financial markets in August caused by fears about the slowdown in Chinese growth, it had been strongly expected that the Fed might start to increase rates in September. However, the Fed pulled back from that first increase due to global risks which might depress US growth and put downward pressure on inflation, and due to a 20% appreciation of the dollar which has caused the Fed to lower its growth forecasts. Since then the nonfarm payrolls figures for September and revised August, issued on 2 October, were disappointingly weak and confirmed concerns that US growth is likely to significantly weaken. This has pushed back expectations of the first rate increase from 2015 into 2016.

3.1.3 Eurozone

The ECB fired its big bazooka by announcing a massive €1.1 trillion programme of quantitative easing in January 2015 to buy up high credit quality government debt of selected EZ countries. This programme started in March and will run to September 2016. This seems to have already had a beneficial impact in improving confidence and sentiment. There has also been a continuing trend of marginal increases in the GDP growth rate which hit 0.4% in quarter 1 2015 (1.0% y/y) and +0.4%, (1.5% y/y) in Q2 GDP. The ECB has also stated it would extend its QE programme if inflation failed to return to its target of 2% within this initial time period.

Greece. During July, Greece finally capitulated to EU demands to implement a major programme of austerity and is now cooperating fully with EU demands.

An €86bn third bailout package has since been agreed though it did nothing to address the unsupportable size of total debt compared to GDP. However, huge damage has been done to the Greek banking system and economy by the resistance of the Syriza Government, elected in January, to EU demands. The surprise general election in September gave the Syriza government a mandate to stay in power to implement austerity measures. However, there are major doubts as to whether the size of cuts and degree of reforms required can be fully implemented and so Greek exit from the euro may only have been delayed by this latest bailout.

3.1.4 China and Japan

Japan is causing considerable concern as the increase in sales tax in April 2014 has suppressed consumer expenditure and growth. In Q2 2015 growth was -1.6% (annualised) after a short burst of strong growth of 4.5% in Q1. During 2015, Japan has been hit hard by the downturn in China. This does not bode well for Japan as the Abe government has already fired its first two arrows to try to stimulate recovery and a rise in inflation from near zero, but has dithered about firing the third, deregulation of protected and inefficient areas of the economy, due to political lobbies which have traditionally been supporters of Abe's party.

As for China, the Government has been very active during 2015 in implementing several stimulus measures to try to ensure the economy hits the growth target of 7% for the current year and to bring some stability after the major fall in the onshore Chinese stock market. Many commentators are concerned that recent growth figures around that figure, could have been massaged to hide a downturn to a lower growth figure. There are also major concerns as to the creditworthiness of much bank lending to corporates and local government during the post 2008 credit expansion period and whether the bursting of a bubble in housing prices is drawing nearer. Overall, China is still expected to achieve a growth figure that the EU would be envious of. However, concerns about whether the Chinese cooling of the economy could be heading for a hard landing, and the volatility of the Chinese stock market, have caused major volatility in financial markets in August and September such that confidence is, at best, fragile.

3.1.5 Emerging Countries

There are considerable concerns about the vulnerability of some emerging countries and their corporates which are getting caught in a perfect storm. Having borrowed massively in western currency denominated debt since the financial crisis, caused by western investors searching for yield by channelling investment cash away from western economies with dismal growth, depressed bond yields (due to QE), and near zero interest rates, into emerging countries, there is now a strong current flowing to reverse that flow back to those western economies with strong growth and an imminent rise in interest rates and bond yields. This change in investors' strategy and the massive reverse cash flow, has depressed emerging country currencies and, together with a rise in expectations of a start to central interest rate increases in the US and UK, has helped to cause the dollar and sterling to appreciate. In turn, this has made it much more costly for emerging countries to service their western currency denominated debt at a time when their earnings from commodities are depressed.

There are also going to be major issues when previously borrowed debt comes to maturity and requires refinancing at much more expensive rates, if available at all.

Corporates (worldwide) heavily involved in mineral extraction and / or the commodities market may also be at risk and this could also cause volatility in equities and safe haven flows to bonds. Financial markets may also be buffeted by sovereign wealth funds of countries highly exposed to falls in commodity prices which, therefore, may have to liquidate investments in order to cover national budget deficits.

3.2 Interest rate forecasts

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

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

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

Despite market turbulence since late August causing a sharp downturn in PWLB rates, the overall trend in the longer term will be for gilt yields and PWLB rates to rise when economic recovery is firmly established accompanied by rising inflation and consequent increases in Bank Rate, and the eventual unwinding of QE. Increasing investor confidence in eventual world economic recovery is also likely to compound this effect as recovery will encourage investors to switch from bonds to equities.

The overall balance of risks to economic recovery in the UK is currently evenly balanced. Only time will tell just how long this current period of strong economic growth will last; it also remains exposed to vulnerabilities in a number of key areas.

The disappointing US nonfarm payrolls figures and UK PMI services figures at the beginning of October have served to reinforce a trend of increasing concerns that growth is likely to be significantly weaker than had previously been expected. This, therefore, has markedly increased concerns, both in the US and UK, that growth is only being achieved by monetary policy being highly aggressive with central rates at near zero and huge QE in place. In turn, this is also causing an increasing debate as to how realistic it will be for central banks to start on reversing such aggressive monetary policy until such time as strong growth rates are more firmly established and confidence increases that inflation is going to get back to around 2% within a 2-3 year time horizon. Market expectations in October for the first Bank Rate increase have therefore shifted back sharply into the second half of 2016.

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

- Geopolitical risks in Eastern Europe, the Middle East and Asia, increasing safe haven flows.
- UK economic growth turns significantly weaker than we currently anticipate.
- Weak growth or recession in the UK's main trading partners - the EU, US and China.
- A resurgence of the Eurozone sovereign debt crisis.
- Recapitalisation of European banks requiring more government financial support.

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

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

- Uncertainty around the risk of a UK exit from the EU.
- The ECB severely disappointing financial markets with a programme of asset purchases which proves insufficient to significantly stimulate growth in the EZ.
- The commencement by the US Federal Reserve of increases in the Fed. funds rate causing a fundamental reassessment by investors of the relative risks of holding bonds as opposed to equities and leading to a major flight from bonds to equities.
- UK inflation returning to significantly higher levels than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.

4. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy Statement (TMSS) for 2015/16 was approved by Council on 24th February 2015.

In the Annual Report on the Treasury Management Service and Actual Prudential Indicators 2014/15 reported to Council on the 15th September 2015, Members approved a request for increases in existing Counter Party lending limits for 2015/16.

In keeping with recent changes in the Credit Rating Agencies' methodologies, in response to the evolving regulatory regime, the credit element of our own credit assessment process now focuses solely on the Short and Long Term ratings of an institution. While this is the same process that has always been used by Standard & Poor's, this has been a change to the use of Fitch and Moody's ratings. It is important to stress that the other key elements to our process, namely the assessment of Rating Watch and Outlook information as well as the Credit Default Swap (CDS) overlay have not been changed.

Our Treasury management consultants Capita have also recommended that in order to be consistent with the above approach, and to allow us to fully access the revised list of banking counterparties under the new methodology, that we should amend our current Annual Investment Strategy minimum sovereign credit criterion to AA- for all sovereigns

Following a review of other investment options that are not currently included within our 2015/16 approved Strategy Statement, Members are asked to approve the inclusion of Property Funds as an addition to the list of non- specified investments for potential future use. The use of these instruments can be deemed capital expenditure, and as such will be an application (spending) of capital resources. This Authority will seek guidance on the status of any fund it may consider using. Limits will be set based on levels of reserves and balances going forward and appropriate due diligence will also be undertaken before investment of this type is considered.

The details in this report also update the position in the light of the updated economic position and budgetary changes already approved.

5. 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.

5.1 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 by Service	2015/16 Original Programme	Budget B'fwd from 2014/15	Virements to Programme in Year	Total 2015/16 Budget	Actual Spend @ Period 6	2015/16 Revised Estimate*
	£m	£m	£m	£m	£m	£m
General Fund	1.901	1.651	-	3.552	0.347	3.552
HRA	10.430	2.302	-	12.732	3.353	12.692
Total	12.331	3.952	-	16.283	3.700	16.244

* including potential expenditure slippage into 2016/17

5.2 Changes to the Financing of the Capital Programme

The table below 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	2015/16 Estimate £m	2015/16 Revised Estimate * £m
Unsupported	1.000	1.000
Supported	15.283	15.244
Total spend	16.283	16.244
Financed by:		
Grants - Disabled Facilities	0.224	0.224
Coalfields Grant	0.252	0.252
Section 106's	0.459	0.459
GF Receipts	0.232	0.232
GF Reserve	0.488	0.488
HRA Receipts	0.441	0.441
HLF Assembly Rooms Lottery	0.200	0.200
Lottery Grant BMX Track	0.007	0.007
HLF/SCC/Donation - Castle Mercian Trail	0.250	0.250
MRR	4.616	4.616
HRA 1-4-1 Replacements Receipts	0.851	0.851
HRA Reserve	3.986	3.966
HRA Regeneration Fund	3.277	3.258
Total Financing	15.283	15.244
Borrowing need	1.000	1.000

* including potential expenditure slippage into 2016/17

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

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

5.3.1 Prudential Indicator – Capital Financing Requirement

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

5.3.2 Prudential Indicator – External Debt / the Operational Boundary

External Debt / Operating Boundary	2014/15 Outturn £m	2015/16 Original Estimate £m	2015/16 Revised Estimate £m
CFR – Non Housing	1.241	1.973	1.700 *
CFR – Housing	68.042	68.017	68.041
Total CFR	69.283	69.990	69.741
Net movement in CFR	(0.070)	0.719	0.458
Operational Boundary			
Expected Borrowing	72.268	73.268	72.268
Other long term liabilities	-	-	-
Total debt 31 March	72.268	73.268	72.268

* Reduced by additional Voluntary Repayment of principal in relation to the capitalisation value of outstanding Icelandic debt.

5.4 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 2015/16 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

Net Borrowing / Capital Financing Requirement	2014/15 Outturn £m	2015/16 Original Estimate £m	2015/16 Revised Estimate £m
Gross borrowing	65.060	66.060	66.060
Plus other long term liabilities	-	-	-
Less investments	32.353	21.092	25.000
Net borrowing	32.707	44.968	41.060
CFR (year end position)	69.283	69.990	69.741

The Executive Director Corporate Services 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.

Authorised Limit for External Debt	2015/16 Original Indicator	Current Position	2015/16 Revised Indicator
Borrowing	89.112	89.112	89.112
Other Long Term Liabilities	3.000	3.000	3.000
Total	92.112	92.112	92.112

6. Investment Portfolio 2015/16

In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 3, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.5% Bank Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short term strategy. Given this risk environment, investment returns are likely to remain low.

The Council held £39.62m of investments as at 30th September 2015 (£31.70m at 31st March 2015) and the investment portfolio yield for the first six months of the year is 0.69% against a benchmark of the 3 months LIBID of 0.46%. A full list of investments held as at 30th September 2015 is detailed in **APPENDIX 1**.

The Executive Director Corporate Services confirms that on one occasion during the first six months of 2015/16 that the approved limits within the Annual Investment Strategy were breached. This occurred when an outward going CHAPS payment in respect of a deposit was not actioned by an agreed deadline, resulting in £2.6m being held within the Lloyds Bank account overnight, which exceeded the approved limit of £1m.

The Council's budgeted investment return for 2015/16 is £317k, and performance for the year is projected to be £57k above budget.

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 October 2014 to September 2015 was 0.62% compared to the group average of 0.83% (information from CIPFA Benchmarking Draft Report Q2 2015/16) excluding the impaired investments in Icelandic banks. 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.

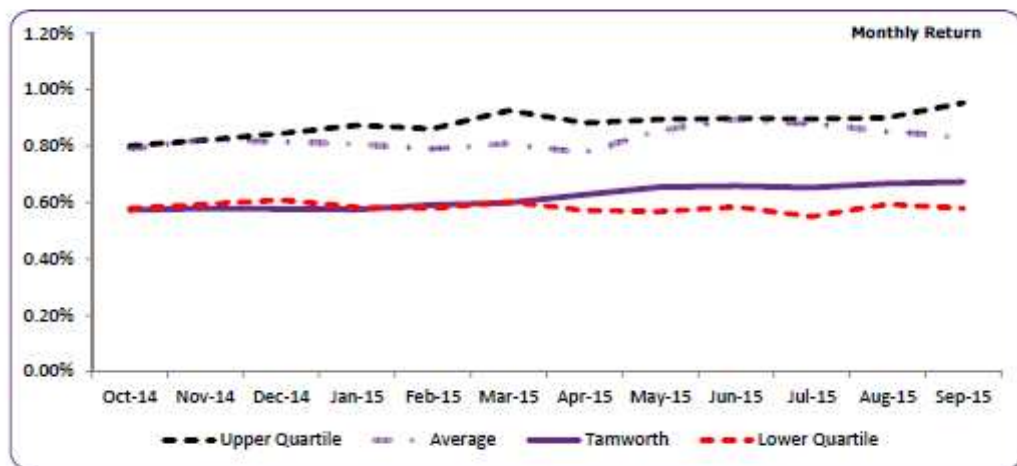
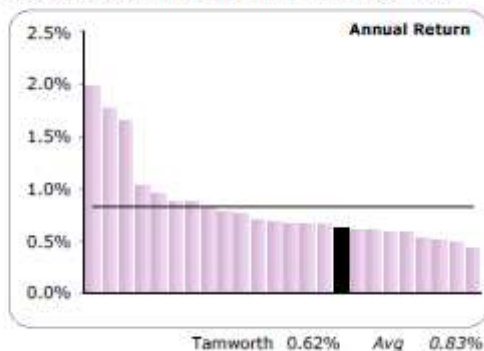
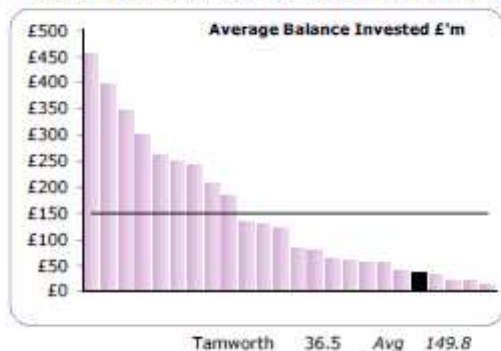
This can be analysed further into the following categories:

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)	-	0.7	0.41	0.43
Fixed Investments (between 31 and 90 days)	0.5	2.1	0.44	0.46
Fixed Investments (between 91 and 364 days)	21.0	57.5	0.71	0.74
Fixed Investments (between 1 year and 5 years)	1.0	18.9	1.00	1.68
Callable and Structured Deposits	-	33.1	-	2.35
Notice Accounts	1.2	24.7	0.46	0.56
Money Market Funds (Constant Net Asset Value)	10.0	200.1	0.40	0.45
Money Market Funds (Variable Net Asset Value)	-	17.8	-	1.13
DMADF	-	2.6	-	0.25
CD's, Gilts and Bonds	2.7	23.1	0.73	1.19
Average of all investments (Managed in House)	36.5	290.3	0.62	0.83

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

The main variances arise from 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 Capita 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 IN-HOUSE INVESTMENTS (excluding impaired investments)



Monthly Return (Oct 14 - Sep 15)													
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
Av Bal £'m	34.17	33.45	34.36	34.78	33.50	33.09	35.71	36.57	38.77	40.07	41.06	41.90	36.47
Earned £'k	16.6	15.9	16.8	17.0	15.2	16.8	18.4	20.3	21.0	22.2	23.3	23.2	226.7
Upper Quartile	0.80%	0.82%	0.84%	0.87%	0.86%	0.93%	0.88%	0.90%	0.90%	0.90%	0.90%	0.95%	0.87%
Average	0.79%	0.82%	0.81%	0.81%	0.79%	0.81%	0.78%	0.85%	0.89%	0.88%	0.85%	0.83%	0.83%
% Return	0.57%	0.58%	0.58%	0.57%	0.59%	0.60%	0.63%	0.65%	0.66%	0.65%	0.67%	0.67%	0.62%
Lower Quartile	0.58%	0.59%	0.61%	0.58%	0.58%	0.60%	0.57%	0.57%	0.58%	0.55%	0.59%	0.58%	0.60%
% Diff from Av	-0.22%	-0.24%	-0.24%	-0.23%	-0.20%	-0.21%	-0.15%	-0.20%	-0.24%	-0.23%	-0.18%	-0.15%	

Investment Counterparty Criteria

The current investment counterparty criteria selection approved in the TMSS and as amended at Council on the 15th September 2015, together with approval of recommendations contained within this report, will meet the requirement of the Treasury Management function.

7. Borrowing

The Council's estimated revised capital financing requirement (CFR) for 2015/16 is £69.741m. 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 5.4 shows the Council will have estimated borrowings of £66.060m and has utilised £3.681m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate.

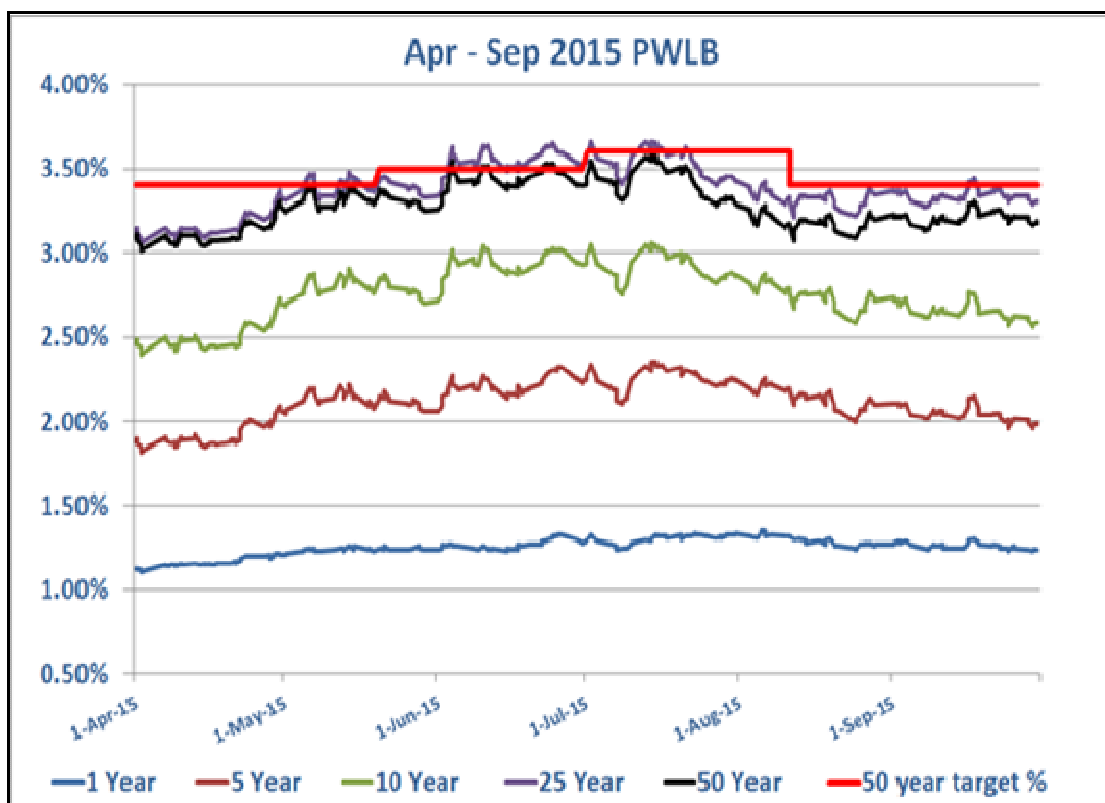
In the first half of the year the Council had PWLB debt of £1m maturing, with a further £2m maturing in October 2015. Due to the current volatility in interest rates payable to replace these loans, the Treasury Management team have set a target rate for replacement and are monitoring the opportunities to replace these loans when appropriate. It is anticipated that a rate of around 3.2% will be achievable for a 50 year period. This compares to rates of 11.625% and 5.125% respectively, which was being paid on the maturing loans.

As outlined below, the general trend has been an increase in interest rates during the first quarter but then a fall during the second quarter.

It is anticipated that further additional borrowing of £1m may be undertaken during this financial year, in line with the current Capital programme.

The table and graph below show the movement in PWLB (Certainty Rates) for the first six months of the year to 30.9.15:

	1 Year	5 Year	10 Year	25 Year	50 Year
Low	1.11%	1.82%	2.40%	3.06%	3.01%
Date	02/04/2015	02/04/2015	02/04/2015	02/04/2015	02/04/2015
High	1.35%	2.35%	3.06%	3.66%	3.58%
Date	05/08/2015	14/07/2015	14/07/2015	02/07/2015	14/07/2015
Average	1.26%	2.12%	2.76%	3.39%	3.29%



8. Debt Rescheduling

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

9. Icelandic Banks Update

Appendix 2 contains details of the situation with Icelandic investments as at 30th September 2015.

Expectations of future receipts and timeframes based on current information regarding each bank are given below;

- **Glitnir**

On 15th March 2012, the Council received £2.554m being the majority of our deposits with the bank. The balance of our approved claim, equating to £587k, is being held in an interest bearing ESCROW account. The release of these funds is dependent on a change in Icelandic Law which currently does not allow the distribution of ISK outside the country. Interest will accrue on these funds until the date of final settlement, which is still unknown.

- **Heritable**

As at the end of September the Council had received £1.475m against our claim of £1.505m, a total recovery of 98%. Negotiations are currently underway to finalise the affairs of Heritable and it is anticipated that a distribution of residual funds will be made over the next few months.

- **Kaupthing, Singer and Friedlander**

As at the end of September the Council had received £2.620m against our claim of £3.175m. Current estimates given by the Administrator project a total recovery of 85.25% or approximately £2.707m, with the majority of repayments estimated to be received by June 2016.

REPORT AUTHOR

Please contact Phil Thomas Financial Accountant extension 239

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 2011</i>
	<i>Annual Report on the Treasury Management Service and Actual Prudential Indicators 2014/15 – Council 15th September 2015</i>
	<i>Treasury Management Strategy & Prudential Indicators Report 2015/16 - Council 24th February 2015</i>
	<i>Budget & Medium Term Financial Strategy 2015/16 - Council 24th February 2015</i>
	<i>Financial Healthcheck Period 6, September 2015</i>
	<i>CIPFA Treasury Management Benchmarking Club Report Quarter 2, September 2015</i>

APPENDICES

APPENDIX 1 Current Investment List

APPENDIX 2 Icelandic Banking Situation

Treasury Management Update – Period 6 - 2015/16**Investments held as at 30th September 2015:**

Borrower	Deposit £m	Rate %	From	To	Notice
Lloyds Bank	1.00	1.00	01-Oct-14	01-Oct-15	-
Lloyds Bank	1.00	1.00	31-Oct-14	30-Oct-15	-
Lloyds Bank	1.00	1.00	10-Nov-14	09-Nov-15	-
Barclays Bank	2.00	0.63	03-Aug-15	03-Feb-15	-
Bank of Scotland	2.00	1.00	11-Feb-15	10-Feb-16	-
Barclays Bank	1.00	0.69	07-Sep-15	07-Mar-16	-
Barclays Bank	1.00	0.63	01-Apr-15	01-Oct-15	-
Bank of Scotland	2.00	1.00	01-Apr-15	30-Mar-16	-
Standard Chartered Bank	2.00	0.68	02-Apr-15	02-Oct-15	-
Santander UK plc	3.00	0.70	10-Apr-15	09-Oct-15	-
Royal Bank of Scotland	2.00	0.84	30-Apr-15	28-Apr-16	-
Nationwide	1.00	0.66	07-May-15	09-Nov-15	-
Royal Bank of Scotland	2.00	0.92	22-May-15	22-Apr-16	-
Barclays Bank	1.00	0.66	05-Jun-15	04-Dec-15	-
Coventry BS	1.00	0.60	07-Jul-15	07-Jan-16	-
Nationwide	2.00	0.66	08-Jul-15	08-Jan-16	-
Nationwide	1.00	0.66	15-Jul-15	15-Jan-16	-
Nationwide	1.00	0.66	15-Sep-15	15-Mar-16	-
Coventry BS	1.00	0.60	20-Jul-15	20-Jan-16	-
Coventry BS	1.00	0.60	05-Aug-15	05-Feb-16	-
Santander	1.00	0.40	-	-	On call
Santander	1.00	0.90	-	-	95 day
MMF - PSDF	0.76	0.40*	-	-	On call
MMF – IGNIS	5.00	0.44*	-	-	On call
MMF - Deutsche	2.84	0.39*	-	-	On call
Total	39.60	0.69 (avg)			

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

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ICELANDIC BANKING SITUATION AS AT 30/9/2015

	Deposit with;	Ref Number	Date Invested
1	GLITNIR	1696	10/10/07
	GLITNIR	1715	31/08/07
	GLITNIR	1754	14/12/07
	Total Principal		
	Estimated of Contractual or Interest due to point of administration (subject to currency exchange rate fluctuations)		
	Total of Claim		
	Repayments Received to date		
	Outstanding at 30/9/2015		
	Estimated Remaining		

*Partial repayment received on the 15th March 2012 in GBP/EUR/USD/NOK. TI
 - Best case recovery 100%

2	Heritable Bank	1802	12/09/08
	Heritable Bank	1803	15/09/08
	Total Principal		
	Interest due at point of administration 07/10/2008		
	Total of Claim		
	Repayments Received to date		
	Outstanding at 30/9/2015		
	Estimated Remaining		

- Final recovery received of 94.02% (declared 23/08/13, though Administrators a contingency for disputed claims that could be distributed at a later date).

3	Singer & Friedlander	1716	31/08/07
	Singer & Friedlander	1740	31/10/07
	Singer & Friedlander	1746	14/01/08
	Total Principal		
	Interest due at point of administration 08/10/2008		
	Total of Claim		
	Repayments Received to date		
	Outstanding at 30/9/2015		
	Estimated Remaining		

- Current indications project an 82.5% recovery of our investments

<u>Summary</u>			
	Total Principal		

	Interest		
	Total of Claim		
	Repayments Received to date		
	Outstanding at 30/9/2015		
	Estimated Remaining		

- 1 Registered Bank in Iceland - In Administration under Icelandic Law
- 2 & Registered Bank in UK - In Administration in UK by Ernst & Young
- 3 Under English Law

Total Estimated Recovery (including Outstanding)

Total Estimated % Remaining

Amount		%
1,000,000		
1,000,000		
1,000,000		
3,000,000		
155,000		
3,155,000		
(2,554,432) *		80.96
600,568 **		
600,568		

he balance is currently

500,000		
1,000,000		
1,500,000		
5,127		
1,505,127		
(1,475,024)		98.00
30,103		
-		

are retaining a

1,000,000		
1,000,000		
1,000,000		
3,000,000		
175,256		
3,175,256		
(2,619,586)		82.50
555,670		
87,320		

7,500,000		

335,383		
7,835,383		
(6,649,042)		84.86
1,186,341		
687,888		

7,336,930

93.64%

TUESDAY 15TH DECEMBER 2015**REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS****LOCAL COUNCIL TAX REDUCTION SCHEME 2016 ONWARDS CONSULTATION RESULTS****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 of the results and feedback from the recently undertaken consultation on and the financial implications of the 2014/15 scheme. To review the consultation feedback when considering potential changes to be applied in the 2016/17 Local Council Tax Reduction Scheme;

To advise Members that the Local Council Tax Reduction Scheme for working age customers for 2016/17 should include continued alignment to Applicable Amounts with those of Housing Benefit;

That Members endorse the proposed change, supported by the consultation results, to exclude child maintenance as income.

RECOMMENDATIONS

- 1 That Council consider the results of the public consultation on the current scheme, carried out 31 July to 25 September 2015, and endorse or otherwise the proposed recommended changes detailed below**

- 2 The base scheme (in place for 2014/15 and 2015/16) goes forward with the following exceptions/amendments;**
 - a) That the Local Council Tax Reduction Scheme for working age customers for 2016/17 will continue to be aligned to Applicable Amounts with those of Housing Benefit, and**

 - b) That the exclusion of child maintenance as income becomes a policy change for the Local Council Tax Reduction scheme from 2016/17 onwards.**

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 Council Tax Benefit Scheme.

Grant funding was reduced and is distributed by the Department for Communities and Local Government rather than the Department for Work and Pensions. Current outturn on the 2014/15 scheme is £4.156m of which the Authority's share is £453k (10.9% 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, grant funding predictions are expected to reduce further in future years and future years' projections indicate an ongoing reduction in grant funding to the Authority. The following table highlights the grant funding compared to scheme costs without any changes to the scheme:

Estimate	2013/14	2014/15	2015/16	2016/17
Cost (10.9%)Est Outturn	£487k	£453k	£449k	£449k
Grant	£508k	£439k	£370k	£335k
Variance (Surplus)/ Deficit	£(21)k	£14k	£79k	£114k
Cum Variance (Surplus) / Deficit	£(21)k	£(7)k	£72k	£186k

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%. The consultation consideration to reduce maximum help from 75% to 70% for most working age claimants was moderately supported, although respondents have stated that 25% is enough as people will struggle to pay even more.

Current financial modelling indicates that although grant levels are reducing the scheme maxima should not be changed for the 2016/17 scheme consultation 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 2016/17 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. The financial impact of this is not likely to be material as any increase in applicable amounts will be offset by increased income and state benefits received. This will also prevent confusion between schemes and reduce administrative burdens. Furthermore, it would reflect any cost of living rises allowed by the Government.

At the Council meeting on 16 December 2014, a motion was made that recommendation 4 be deleted and replaced with a new recommendation 4 with the inclusion of child maintenance (this in fact should have read *exclusion*). This motion was not carried but it was

agreed that consultation for the 2016/17 scheme would gauge views on excluding child maintenance as income from 2016 onwards.

In compliance with the above, a web based consultation exercise was carried out between 31 July to 25 September 2015. Consultation was also made on whether or not to reduce the maximum help for working age claimants (excluding those in protected groups) from 75% to 70%. The results are attached at **Appendix 1**. Local Community Groups were notified of the consultation and two press releases also encouraged responses.

A total of 109 responses were received. The proposal to exclude child maintenance as income from April 2016 was met with mixed reaction from the respondents with 46% perceiving it to be reasonable and 43% unreasonable to a certain extent.

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.

Appendix 1 confirms that current policy principles and the proposed change to exclude child maintenance as income are supported.

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 £4.4m and £4.2m for 2014/15.

Latest figures confirm that £4.1m has so far been awarded in Local Council Tax Reduction (LCTR) for 2015/16, to both working age and pensioner customers. The live working age caseload has reduced by approximately 11% since April 2013, which is attributable to customers finding employment and becoming financially self sufficient and contributes to the lesser amount now awarded.

Should Council endorse the proposal to exclude maintenance as income from April 2016 for working age claimants, the overall Council Tax Reduction Scheme awards would increase by approximately £18.5k per annum for 77 claimants from that date.

Financial Summary

	2012/13 Estimate £'000	2013/14 Actual £'000	Variance £'000	2014/15 Actual £'000	2015/16 Estimated £'000	2016/17 Estimated £'000
Council Tax Benefit	5,404					
Estimated Scheme Cost	4,685	4,470	(215)	4,156	4,122	4,121
Estimated Saving (incl Protection)	719					
Cost to TBC (10.9%)	511	487		453	449	449
TBC Grant rec'd *	516	508		439	370	335
Variance (Surplus) / Deficit	(5)	(21)		14	79	115
Extrapolation for Collection Fund	(48)	(189)		126	723	1,051
* includes SFA Grant Reduction (projected for 2016/17)				13.50%	(15.70)%	(9.70)%
SFA - Settlement Funding Assessment						

Within the limitations of the system, a detailed analysis of the outstanding arrears relating to Local Council Tax Reduction claimants has been carried out (where they can be identified). We can attribute £230k of arrears as at 31 March 2014 to these claimants, though that arrears figure has halved over the last 18 months.

An "in year" collection rate of 74.8% for 2013/14 compared to 97.6% overall and a collection rate of 87.5% as at 30 September 2015 compares to the 98.9% overall collection for 2013/14. This means the outstanding balances for Local Council Tax Reduction claimants have reduced by 49% since 31 March 2014, while the overall arrears have reduced by 61%. £118k of the arrears, attributable to those claimants, are still outstanding at 30 September 2015.

Risks around the estimate for 2016/17 include;

- Final Settlement Funding Assessment confirmation is not expected until January 2016 (provisional figures in December 2015);
- The final cost is dependent on collection levels – the estimated figures are based on the amounts chargeable (with arrears still to be collected);
- The scheme has now been running for 2.5 years. Current expenditure as above may or may not increase, as the scheme is demand led and depends on social and economic factors.

LEGAL/RISK IMPLICATIONS BACKGROUND

The Department for Communities and Local Government have confirmed that consultation on the scheme is not required annually if it is not amended. However, the Council has decided it wise to consult even when changes are not proposed. Notwithstanding this, as amendments to the scheme are proposed for 2016/17, consultation was mandatory for the 2016/17 scheme.

Appendix 1 confirms the public consultation results, gauging views on each of the current policy elements of the scheme as well as views on proposed changes.

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 administration.

BACKGROUND INFORMATION

The Welfare Reform Act 2012

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

REPORT AUTHOR

Karen Taylor x 529/Stefan Garner x242

LIST OF BACKGROUND PAPERS

Local Council Tax Reduction Scheme 2013/14 Report, presented to Council on 13th December 2012 <http://democracy.tamworth.gov.uk/mglIssueHistoryHome.aspx?IId=2548>

Local Council Tax Reduction Scheme 2014/15 Report, presented to Council on 17th December 2013 <http://democracy.tamworth.gov.uk/mglIssueHistoryHome.aspx?IId=3849>

Local Council Tax Reduction Scheme 2015/16 report, presented to Council on 16th December 2014
<http://democracy.tamworth.gov.uk/documents/s10311/LOCAL%20COUNCIL%20TAX%20REDUCTION%20SCHEME%20FROM%20201516.pdf>

APPENDICES

Appendix 1 Local Council Tax Reduction Scheme Consultation Summary report 2015

Appendix 2 Council Tax Reduction Working Age Expenditure summary

Appendix 3 Council Tax Reduction Caseload summary

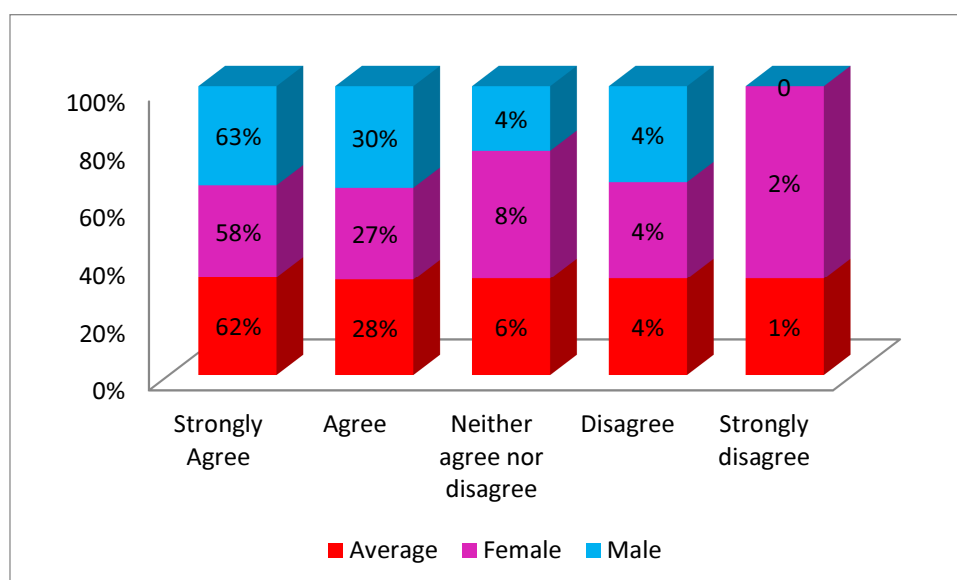
LOCAL COUNCIL TAX REDUCTION SCHEME CONSULTATION SUMMARY

During the months of August and September 2015, Tamworth Borough Council consulted with residents regarding a Local Council Tax Reduction Scheme. In total, 109 responses were received and the main findings from these individuals is contained in the following document.

Q1. Are you answering this survey as...?

The entire sample of 109 respondents answered the survey as an individual rather than as an organisation representing a community.

Q2. To what extent do you agree with the principle “Every household with working age members should pay something towards their Council Tax Bill?”

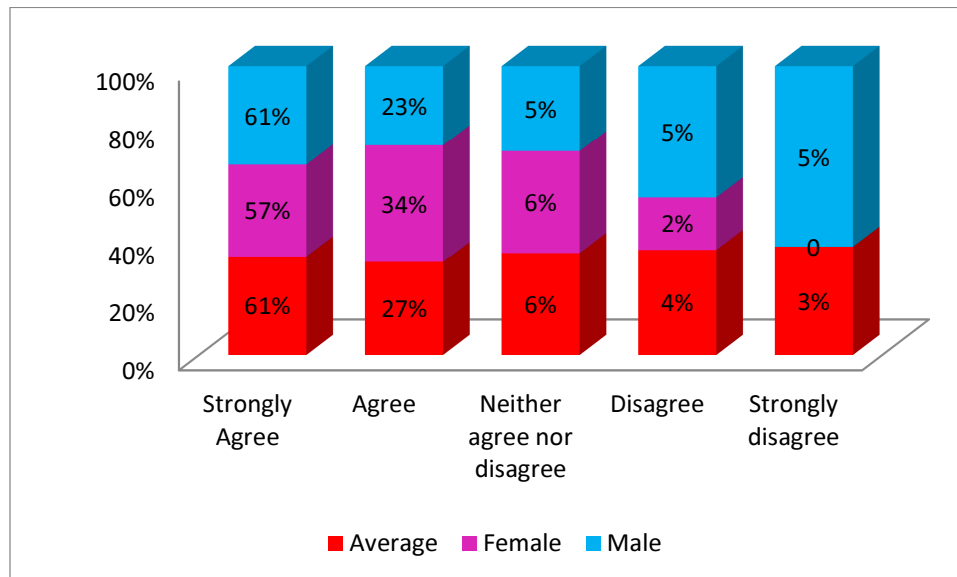


The vast majority of the respondents were in agreement with this principle with only 5% in disagreement.

When analysing the results by age category, no real difference of opinion was noted.

Q3. To what extent do you agree with the principle “The Local Council Tax Reduction Scheme should encourage people to work?”

The following chart highlights to what extent respondents agreed with the principle...

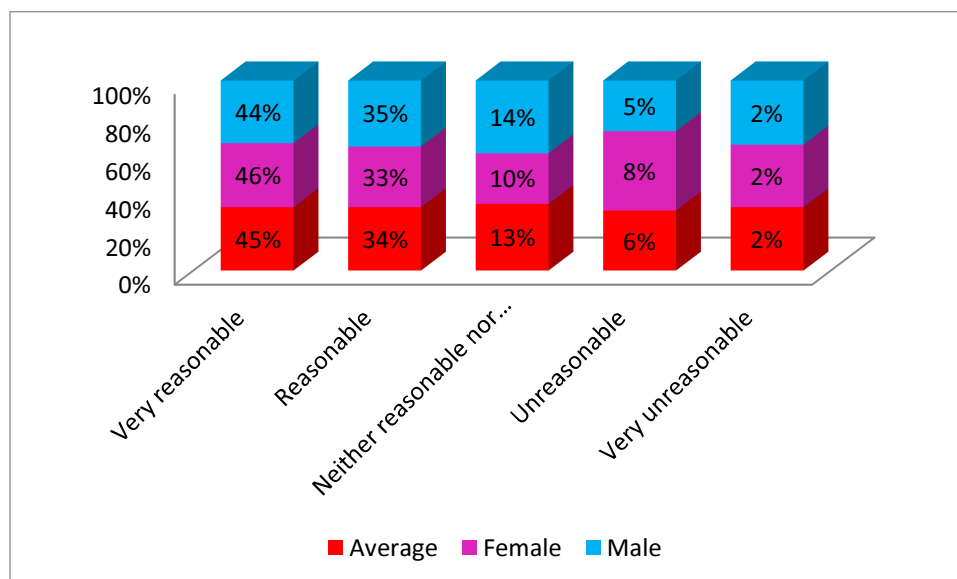


As can be seen, the vast majority of respondents agree with the principle (88%) with less than 10% disagreeing.

Q4 How reasonable do you think Policy 1 is?

Pensioners receive support for up to 100% of their Council Tax bill as they are protected by the Government under a national scheme. We also protect working age claimants classed as severely disabled and in receipt of a Severe Disability Premium, claimants with disabled children and claimants receiving a War Pension or Armed Forces Compensation Scheme payment in the Local Council Tax Reduction Scheme. This means that pensioners, claimants classed as severely disabled, claimants with disabled children and claimants receiving a War Pension or Armed Forces Compensation Scheme payment are the only claimants that receive support for up to 100% of their Council Tax bill. All other working age claimants pay something towards their Council Tax bill and applicable amounts continue to be aligned with those of Housing Benefit

The chart below reveals how reasonable respondents consider Policy 1 to be...



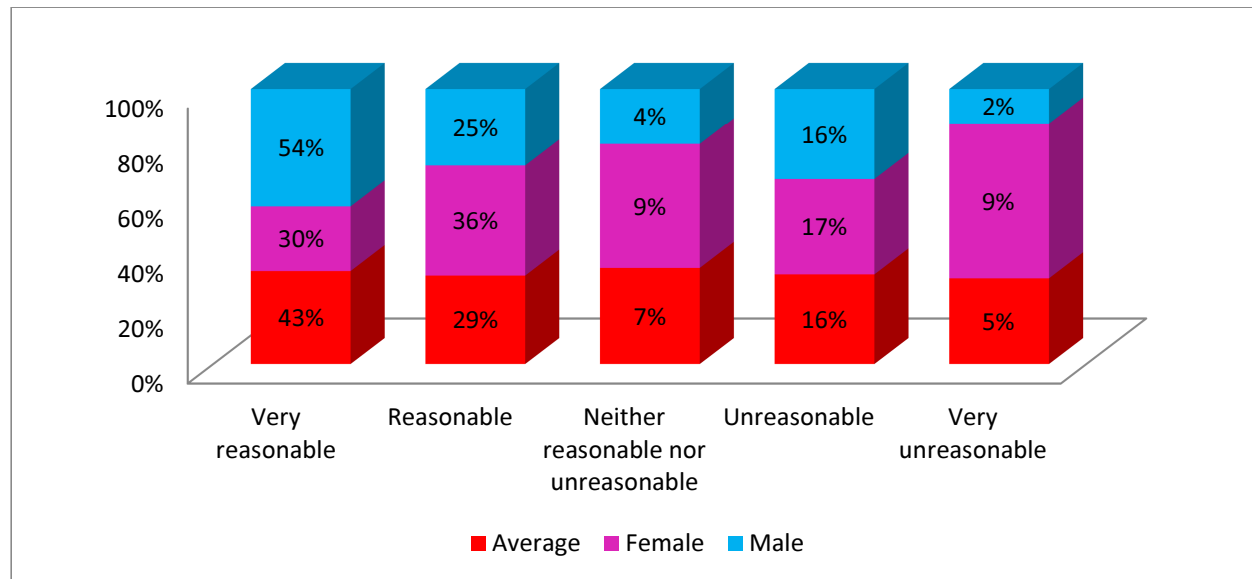
Over three quarters of the sample consider this principle to be reasonable (45% very and 34% reasonable).

One third of the sample made additional comments regarding this policy including; everyone should pay and contribute if earning (39%), and It would be expensive to administer but it should be means tested - easiest & fairest way of doing it (30%).

Q5. How reasonable do you think this is as a way of contributing to the future reductions that need to be made? (Policy 2)

All working age claimants that are not protected have to pay at least 25% of their Council Tax bill. To mitigate future grant reductions, the scheme could ask working age claimants pay at least 30% of their Council Tax bill. This means that working age claimants who are not protected would get less help than they do now

Respondent perceptions of Policy 2 are shown in the bar chart below...



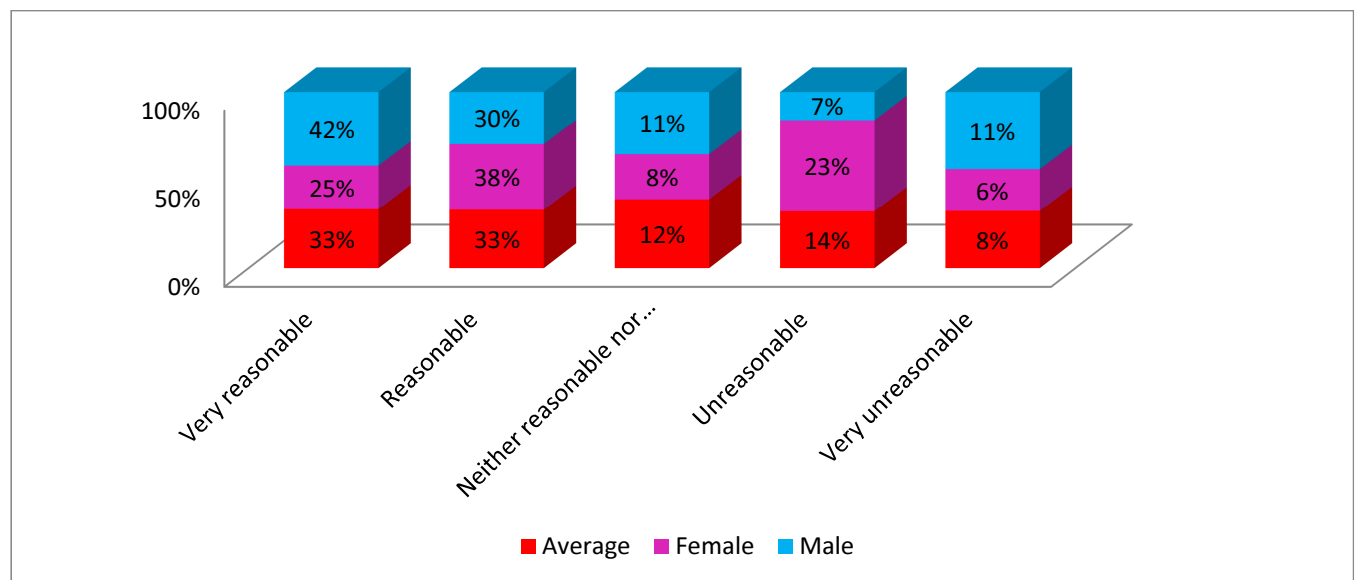
Almost three quarters of respondents consider Policy 2 to be a reasonable way of contributing to the future reductions that need to be made. The male respondents were more receptive to this policy than their female counterparts (79% compared with 66%).

Additional comments that were raised in relation to Policy 2 included the fact it should be means tested - depends on individual circumstances (23%) and 20% of respondents believe 25% is enough as some people will struggle.

Q6. How reasonable do think this is as a way of contributing to the reductions that need to be made? (Policy 3)

Council Tax Reduction is limited to the level that is given for a smaller house. We limit the maximum support offered based on 75% of the Council Tax bill for a Band D property, even if the claimant lives in a property with a higher banding than D. This means that any claimant who lives in a property with a banding higher than D has their Reduction calculated as if they lived in a Band D property

Reaction to Policy 3 is highlighted in the chart below...



Two thirds of those surveyed consider Policy 3 to be reasonable. Again the men were most likely to answer in the positive (72% compared with 62% of women considering it to be very reasonable or reasonable).

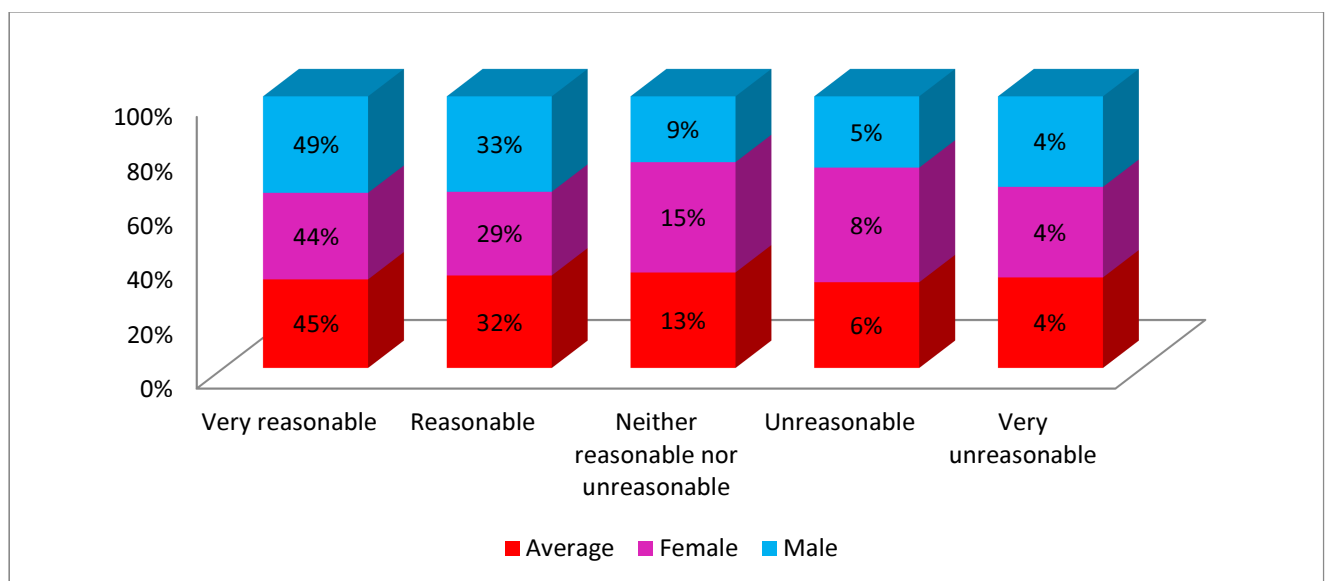
The most commonly recorded "other" comments regarding Policy 3 included; people should pay for what they live in (41%) and people should be taxed on income and not property value - just because they live in a big house doesn't mean they can afford more - it's unfair (26%).

Q7. How reasonable do you think this is as a way of contributing to the reductions that need to be made? (Policy 4)

Before April 2013, some customers were not entitled to Council Tax Benefit in their own right because their own income was too high or they had too much in savings. However, they could claim a Second Adult Rebate, for a reduction of up to 25% off their bill, because they had another adult living with them who was on a low income.

From April 2013, Second Adult Rebate was removed under the Local Scheme. This means that all those of Working Age who were previously entitled to a Second Adult Rebate have to pay 100% of their Council Tax bill. (Second Adult Rebate can still be claimed by pensioners as it is in the national rules)

The chart below reveals the respondents perception of Policy 4.



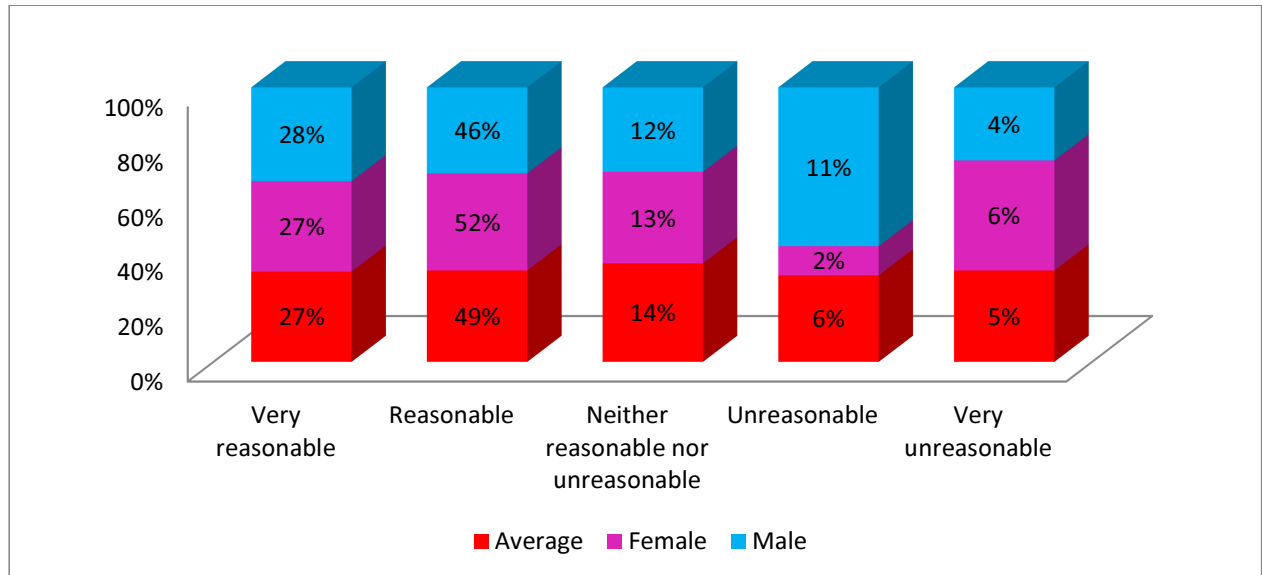
The majority of the sample (77%) deemed Policy 4 to be reasonable. The male respondents were most receptive to Policy 4 with 82% perceiving it to be reasonable to a certain extent (49% very and 33% reasonable).

Only 16 respondents made additional comments in relation to Policy 4, the most common of which were as follows: “all adults use services so should pay” (25%) and “don’t think pensioners should get help” (19%), “should look at a households family income not individual income” (19%) and this “Penalises single parents / single occupancy stay at home mums or people with carers” (19%).

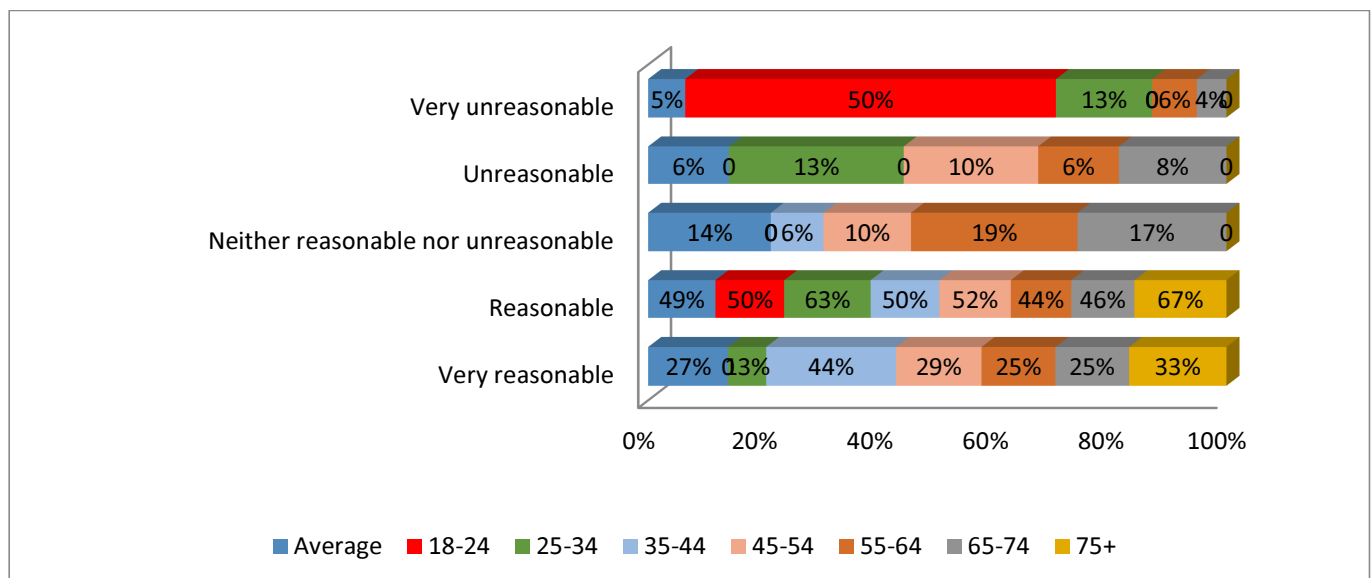
Q8. How reasonable do you think Policy 5?

Child care costs are allowed as an expense when calculating Council Tax Reduction. This does not contribute to any reductions but provides an incentive for parents to stay in work or return to work

Just over three quarters of the sample (76%) consider Policy 5 to be reasonable to a certain extent. The chart below reveals the extent of their opinions...



The youngest respondents were most likely to answer in the positive with 50% of 18-24 year olds and 63% of 25-34 year olds describing it as reasonable. The breakdown by age is shown in the chart below...



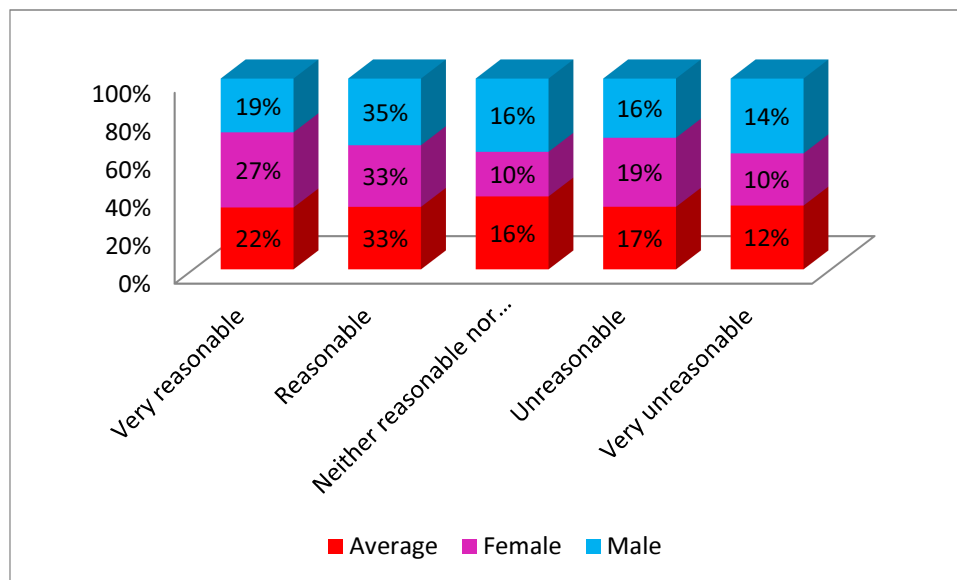
One fifth of respondents made additional comments in relation to Policy 5, the most common of which were as follows; "Childcare costs should not be considered in

reductions - parents should be able to pay for the costs of their own children” (29%), and “Promotes working incentives for parents within the benefit system” (24%)

9. How reasonable do you think this is? (Policy 6)

Claimants are able to have savings of up to £16,000 and still receive support towards their Council Tax Bill

Just over half of those surveyed consider Policy 6 to be reasonable however almost a third (29%) consider Policy 6 to be unreasonable to a certain extent (17% unreasonable and 12% very unreasonable)..

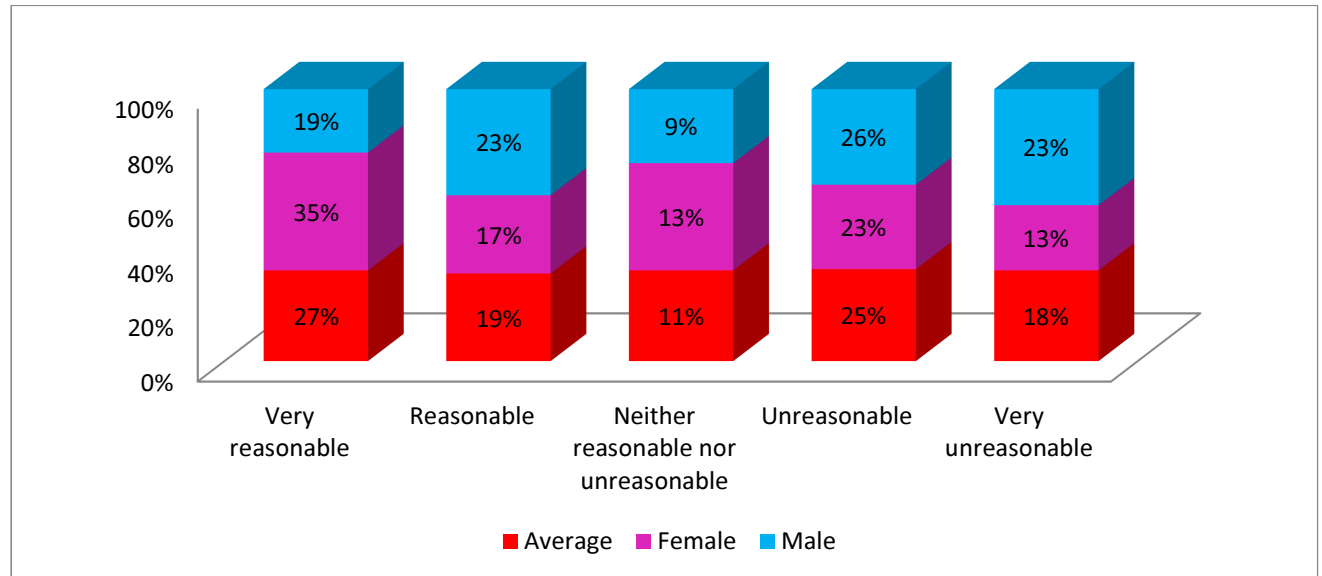


Over a third of respondents (37) made additional comments in relation to Policy 6 including “That’s a lot of savings - so they can obviously afford to pay if have that amount” (35%), “Savers/ pensioners who have saved should not be penalised (25%) and “Saving level is too high - should be £5,000 - £10,000” (25%).

Q10. How reasonable do you think Policy 7?

Child Benefit is not included as income when calculating a claimant's Council Tax Reduction entitlement

Policy 7 met with mixed reaction from the respondents with 46% perceiving it to be reasonable and 43% unreasonable to a certain extent.



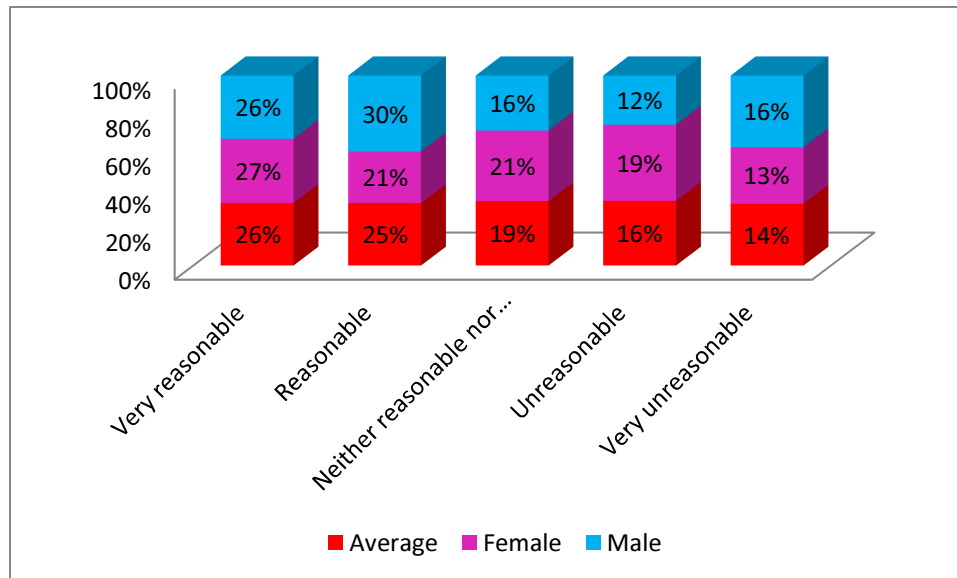
The women were most likely to answer in the positive with 52% describing it as reasonable compared with 42% of the men.

Over three quarters of the respondents who made an additional comment regarding Policy 7 stated that "Child benefit should be counted as income" (77%).

Q11. How reasonable do you think Policy 8 proposal is?

We currently include maintenance payments as income when calculating a Working Age claimant's Council Tax Reduction entitlement. From 1st April 2016 we propose to disregard maintenance as income, to provide an incentive for parents to stay in work or return to work

Approximately half of the sample (51%) consider Policy 8 to be reasonable to a certain extent while almost a third (30%) perceive it to be unreasonable to a certain extent. The men were more receptive to policy 8 than their female counterparts with 56% perceiving it to be reasonable compared with 48% of women.



Of the 34 respondents who offered additional comments relating to Policy 8, 47% stated "it's an income and should be considered as one and included". A further 18% disagreed commenting that child maintenance isn't income.

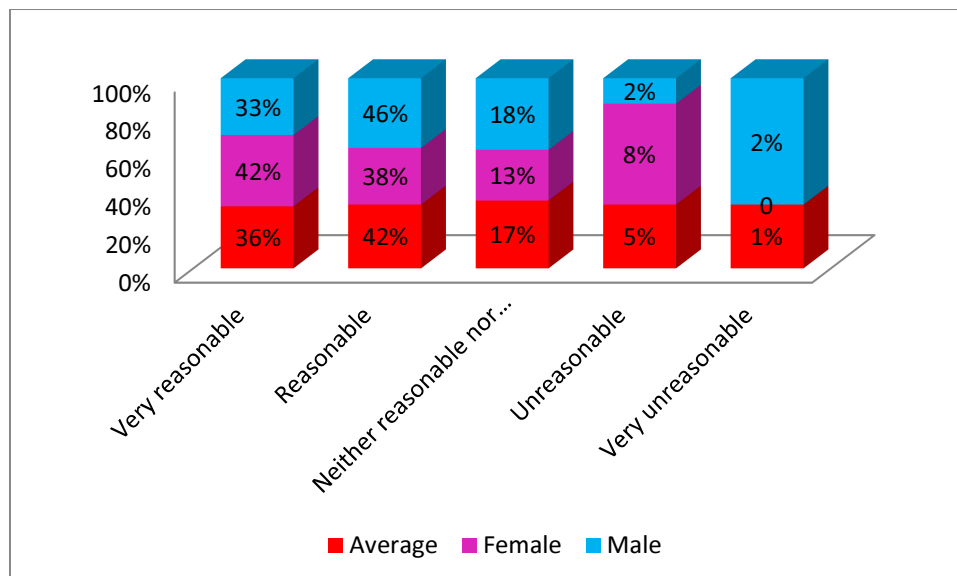
Q12. How reasonable do you think Policy 9 is?

If a Working Age person receives Disability Living Allowance, a Care Component may be added if they require help with day to day tasks or if they need frequent personal care. A lower, middle or higher rate is paid depending on the care needs of the claimant. Single claimants that receive a middle or higher rate Care Component are classed as severely disabled and can attract a Severe Disability Premium too, as long as no one lives with them and no one receives a Carers Allowance for looking after them. Couples can also receive this premium as long as they both are eligible for a middle or higher rate Care Component, no one lives with them and no one receives a Carers Allowance for looking after either of them.

A Severe Disability Premium is also payable if a Working Age person (and their partner if they have one) receives a Personal Independence Payment at the Enhanced Daily Living rate and no one lives with them and no one receives a Carers Allowance for looking after them.

Claimants who are eligible to Severe Disability Premium can receive a Reduction for up to 100% of their Council Tax bill

The chart below highlights respondent opinions of Policy 9. This policy was met with enthusiasm with over three quarters of the sample perceiving it to be reasonable to a certain extent (78%).

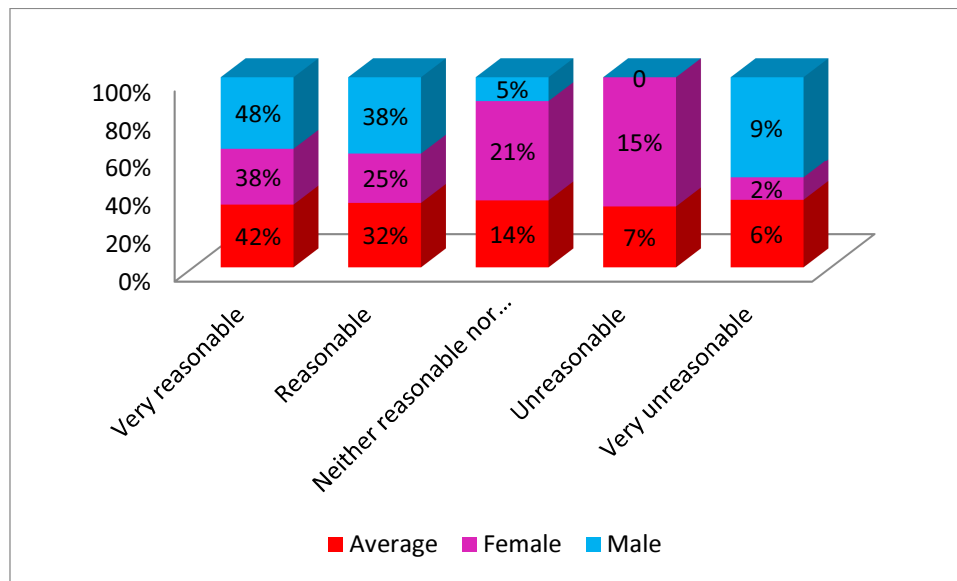


Just under a quarter of respondents offered additional comments in relation to Policy 9, of which 35% stated that “the vulnerable should be protected” and 22% indicated that it “Should be based on the ability to pay/on income”.

Q13. How reasonable do you think Policy 10 is as a way of contributing to the reductions that need to be made?

Any non-dependants living in a Working Age claimant's household are expected to contribute towards the Council Tax bill. If the non-dependant is not working then their contribution would be £5 per week. If the non-dependant is working then their contribution would be a £10 per week

Almost three quarters of the respondents who completed this survey consider Policy 10 to be reasonable to a certain extent (74%). The male sample were most likely to answer in the positive with 86% citing it as reasonable compared with 63% of the women surveyed.

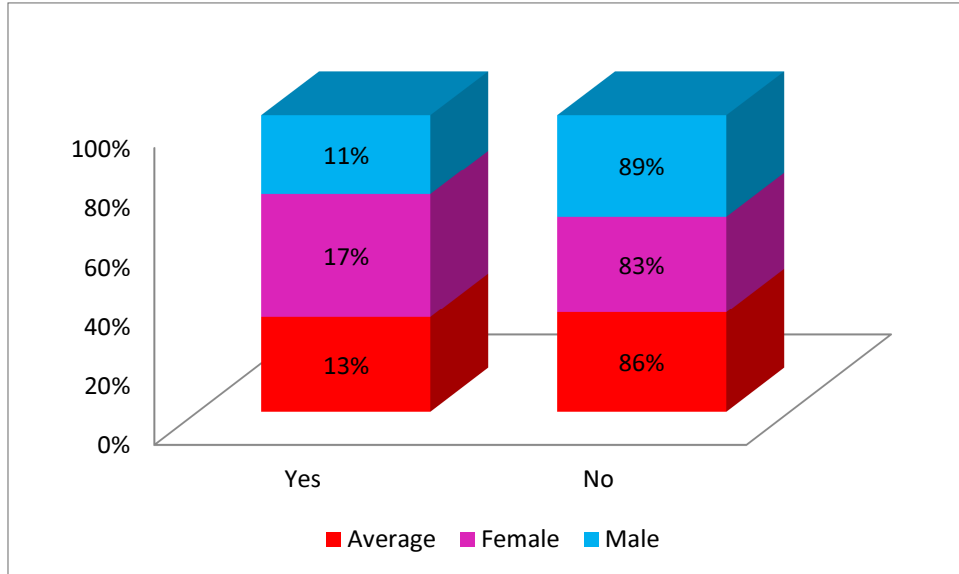


Over a quarter of the sample (29 respondents) made a comment in relation to Policy 10. The most common comments included; “If working then should contribute more” (41%) and “All adults should pay - if use the services then pay for them” (24%).

IMPACT OF THE CHANGES

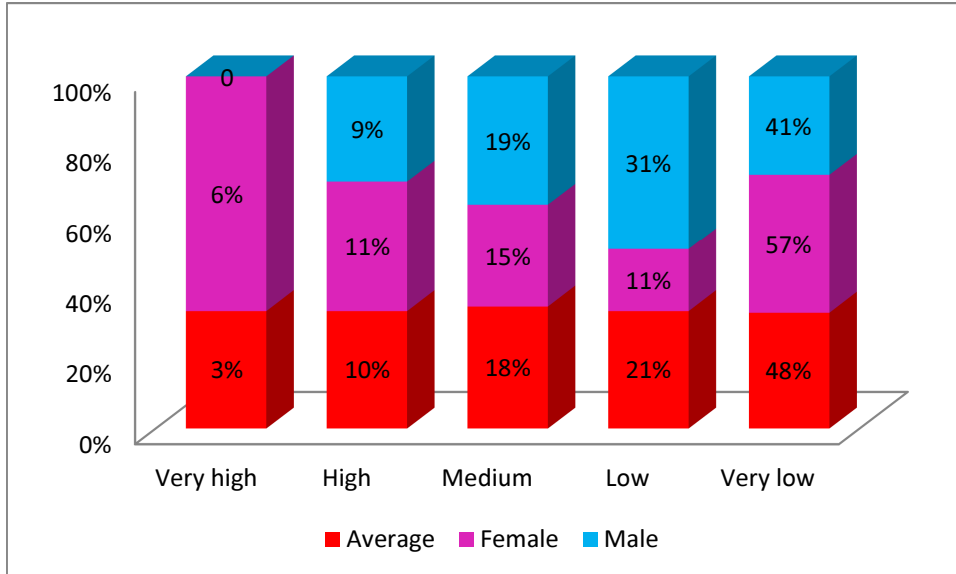
Q14. Does your household receive Council Tax Reduction?

Only a small proportion of the sample (13%) receive Council Tax Reduction.



Q14a. What impact have the changes from April 2013 had on your financial situation, or the financial situation of those communities you represent?

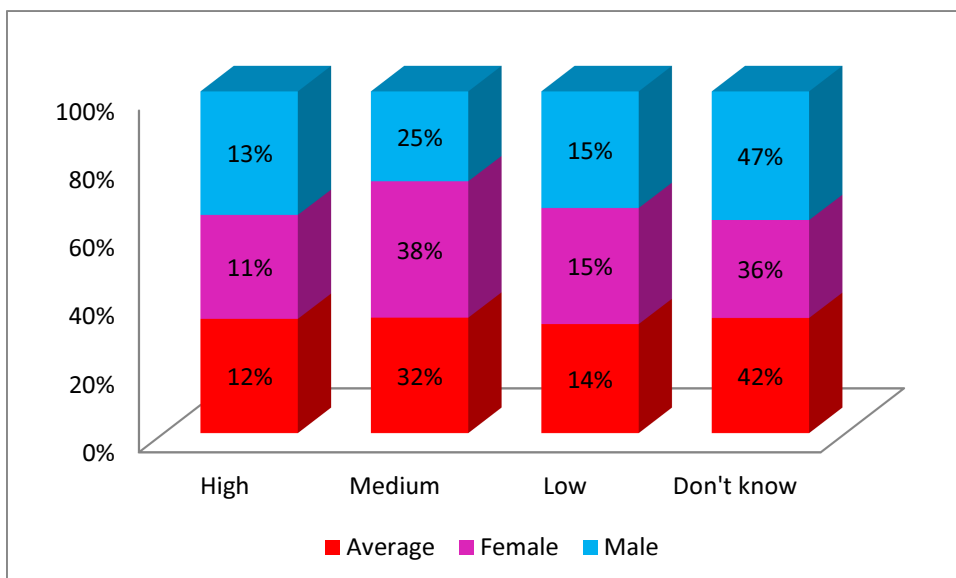
According to over two thirds of the sample surveyed, the impact felt has been low (69%). Just 13% of the sample claimed the changes felt had been high.



Q15. Please tell us whether you think the changes had a high, medium or low impact on each of these groups:

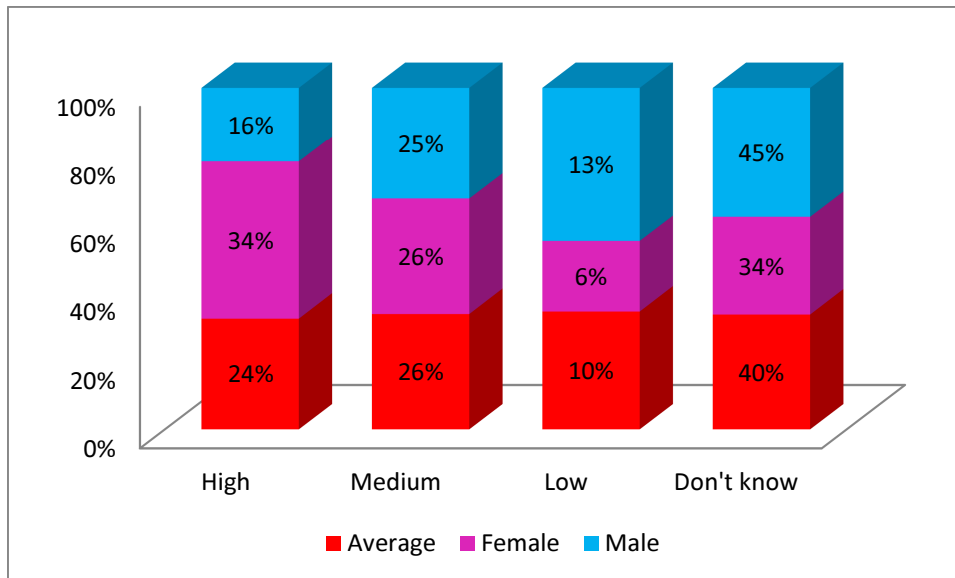
Families with children

Just under half of the sample (44%) think the changes have had either a high or medium impact on families with children.



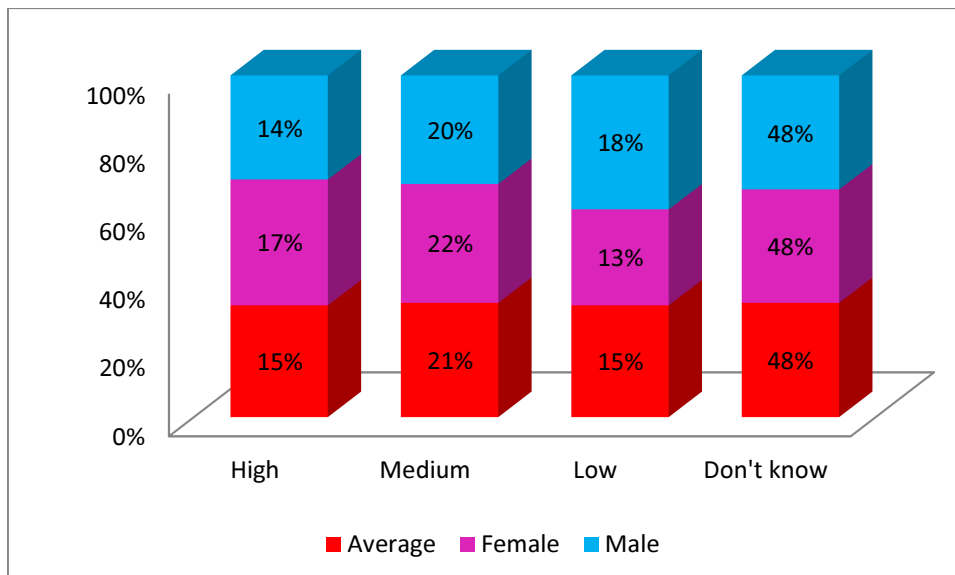
Lone Parents

Exactly one half of the sample think the changes have had either a high or medium impact on lone parents.



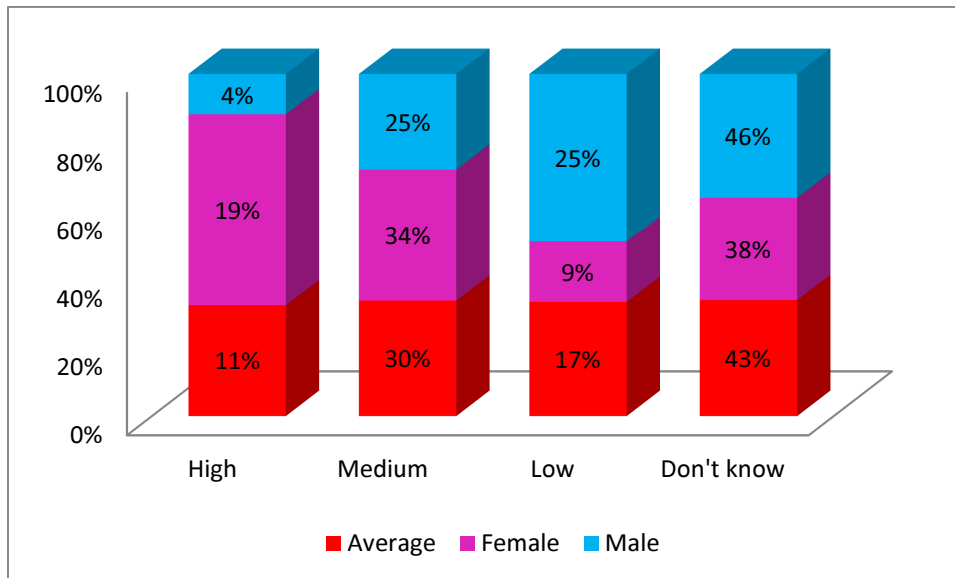
Carers

Over one third of the sample (36%) think the changes have had either a high or medium impact on carers.



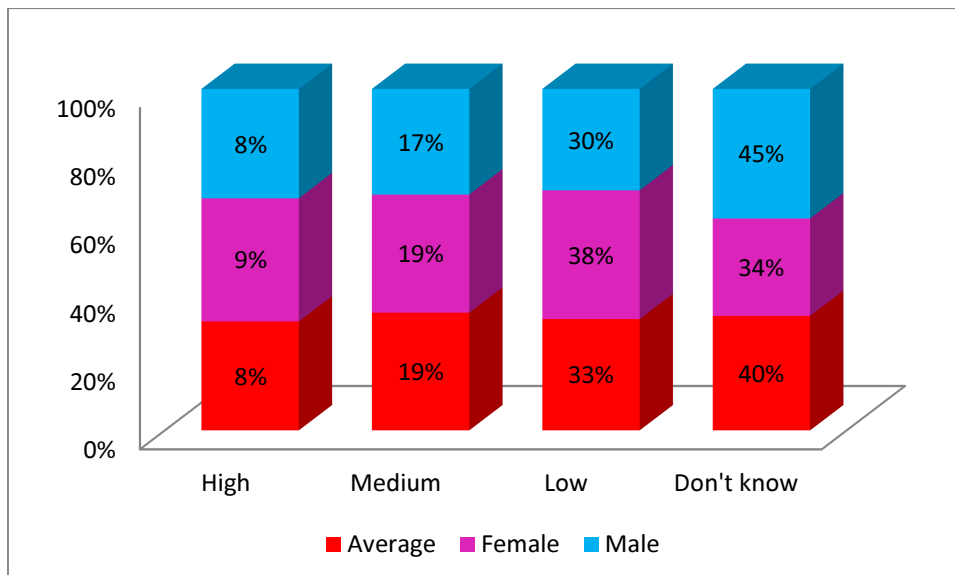
Part Time Workers

Under half of the sample (41%) think the changes have had either a high or medium impact on part time workers.



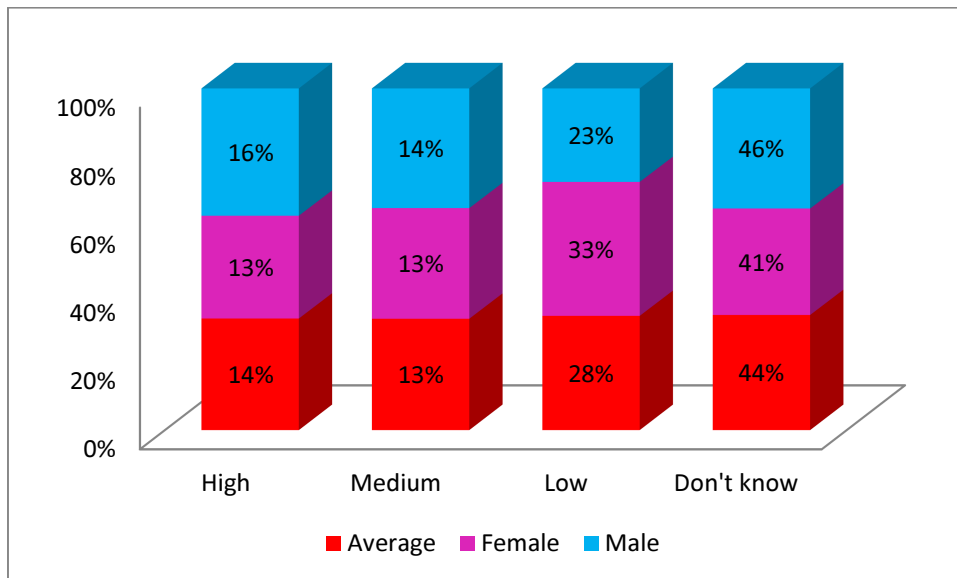
Full Time Workers

Just over a quarter of those surveyed (27%) think the changes have had either a high or medium impact on full time workers.



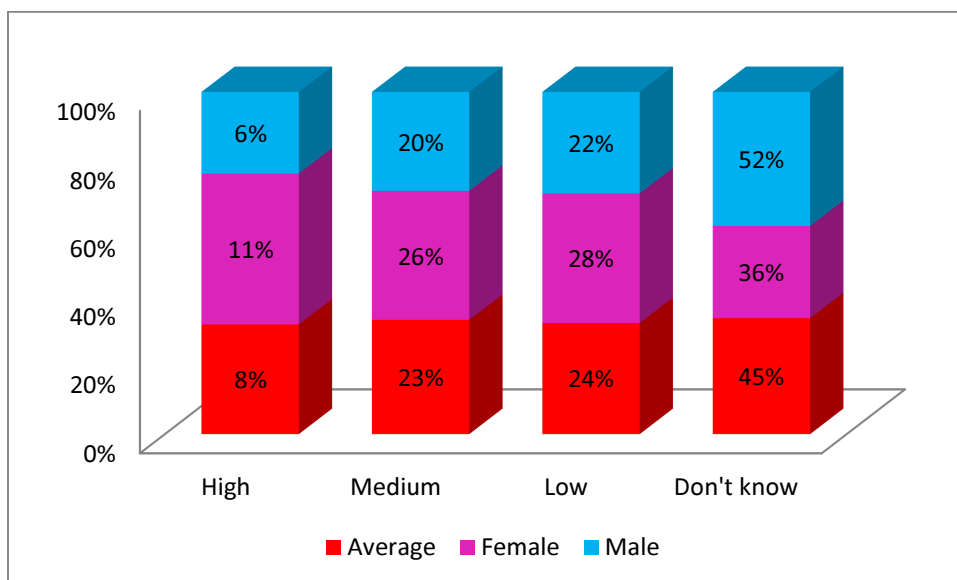
People who are disabled

Similarly, just over a quarter of those surveyed (27%) think the changes have had either a high or medium impact on people who are disabled.



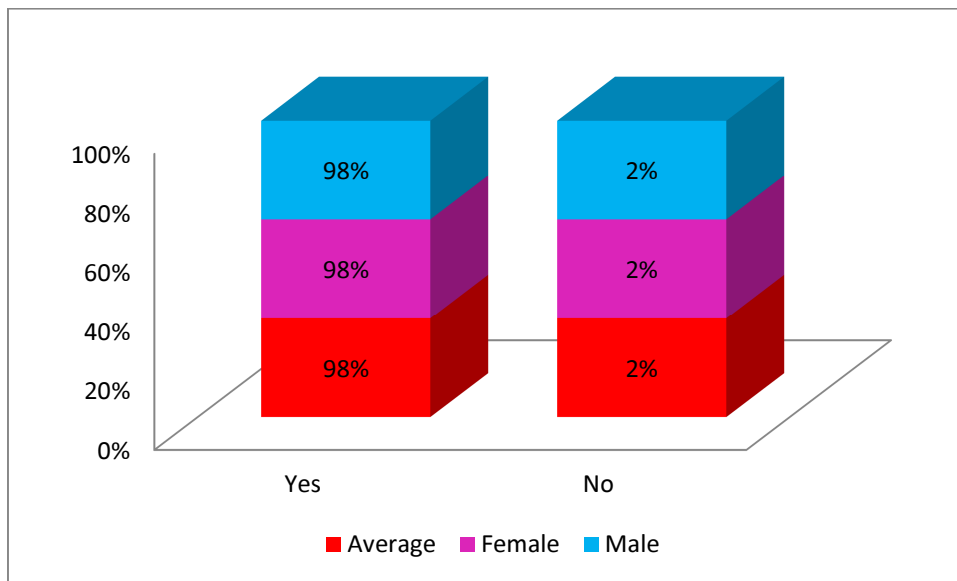
Single people and couples without children

Just under a third of the sample (31%) think the changes have had either a high or medium impact on single people and couples without children.



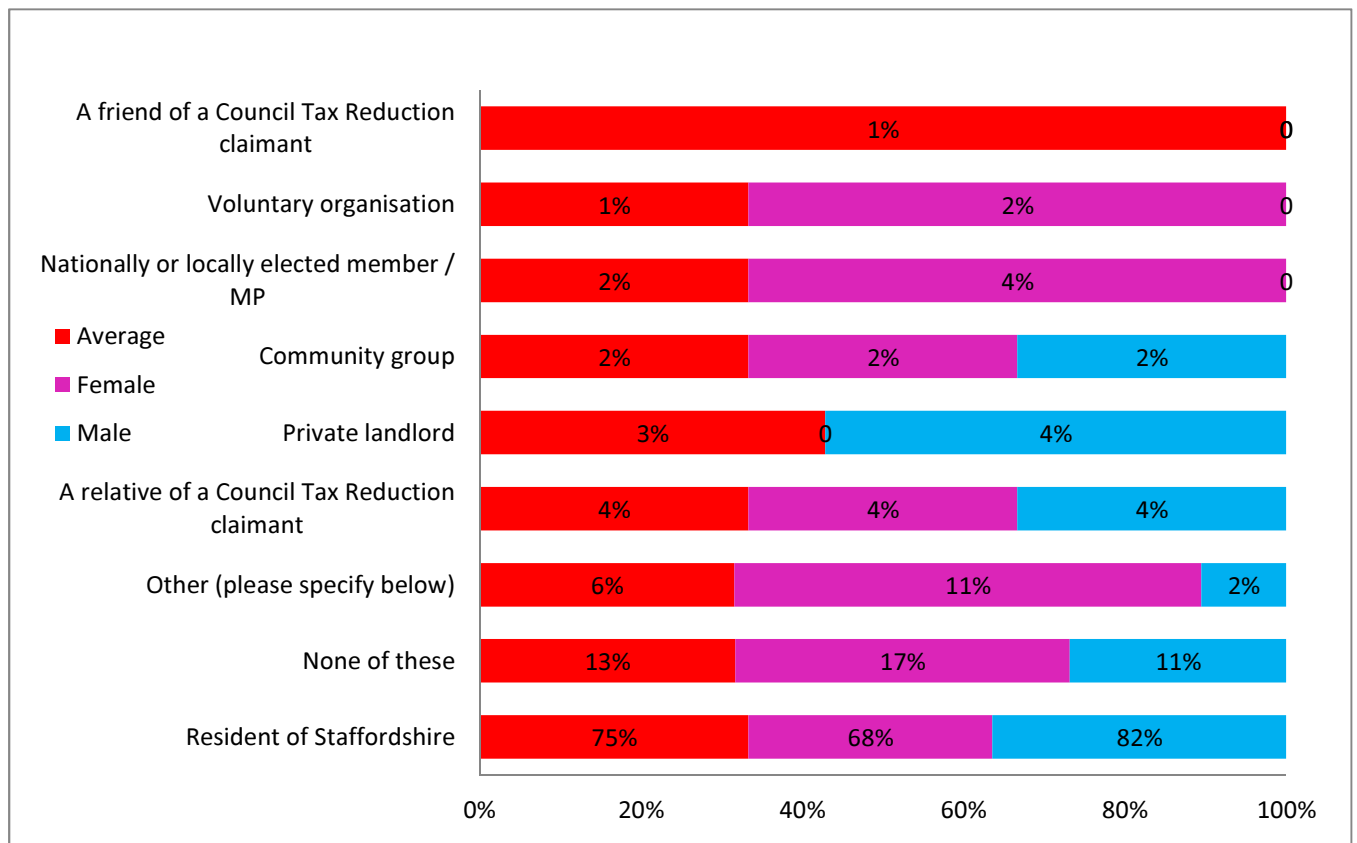
Q19. Are you a resident of Tamworth?

The vast majority of the sample are a resident of Tamworth (98%).

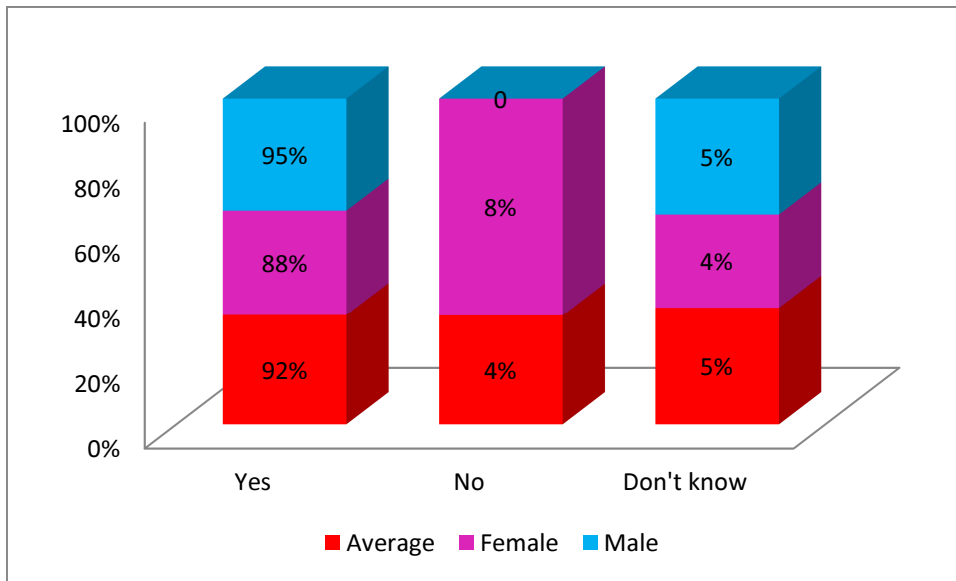


Q20. Are you submitting your views as...?

Three quarters of those who completed the online survey submitted their views as a resident of Staffordshire.

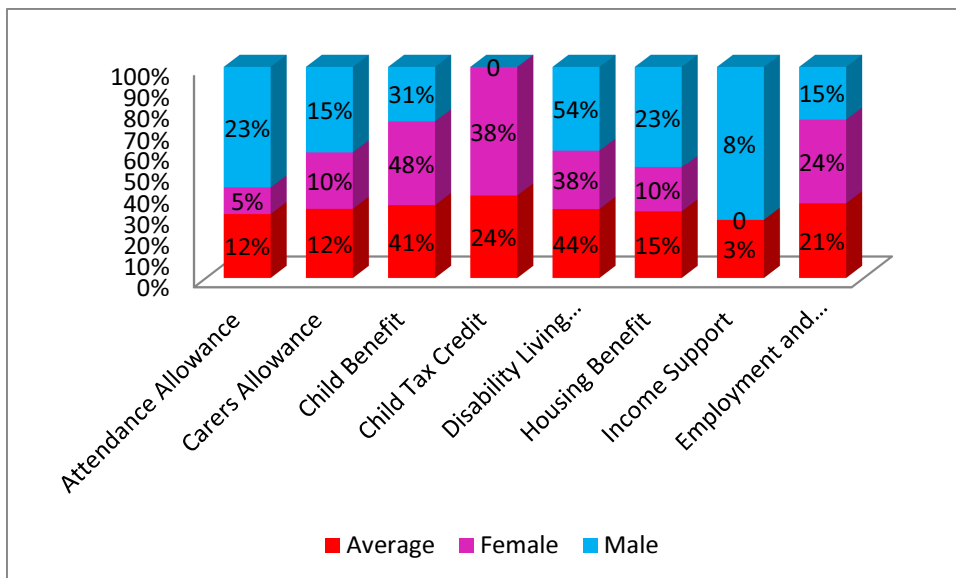


Q21. Does your name appear on the Council Tax Bill for your household?

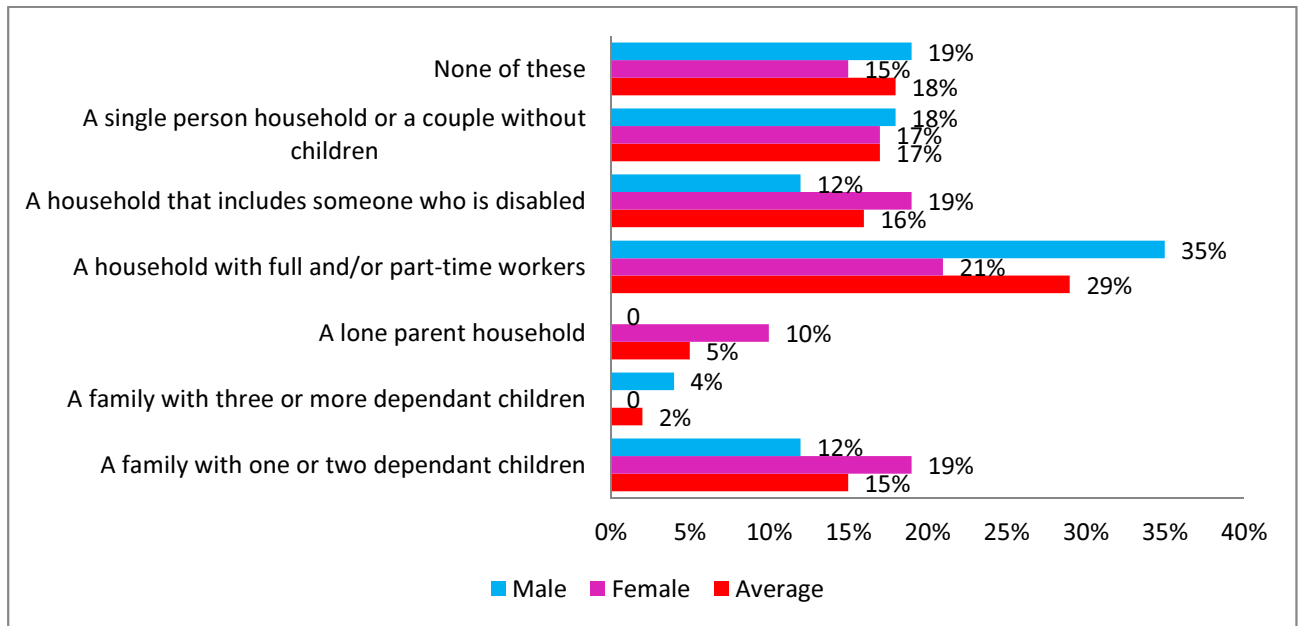


Q22. Does your household receive any of the following benefits?

The most common type of benefit received by the respondents was disability living allowance (44%) followed by child benefit (41%).

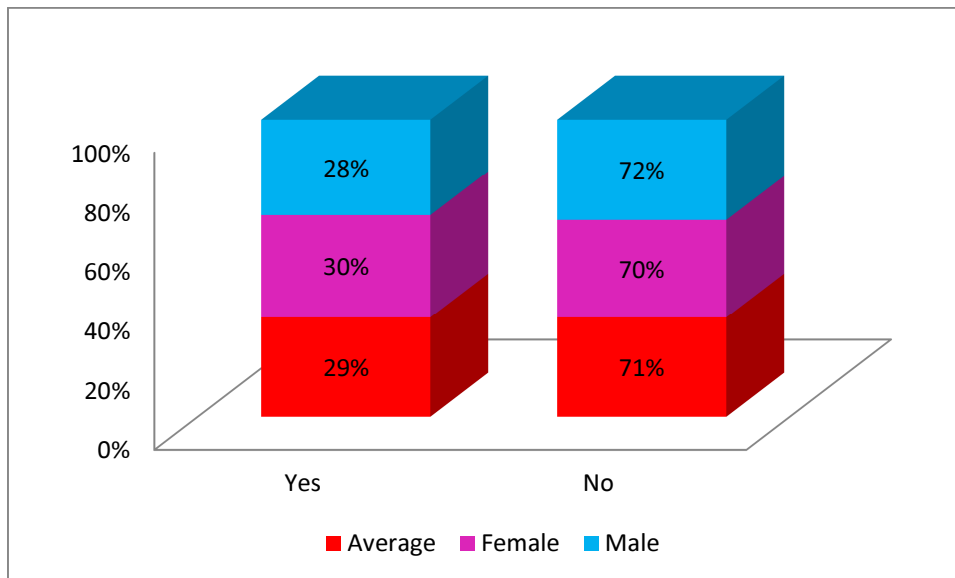


Q23. Would you say that any of the following describes your household?



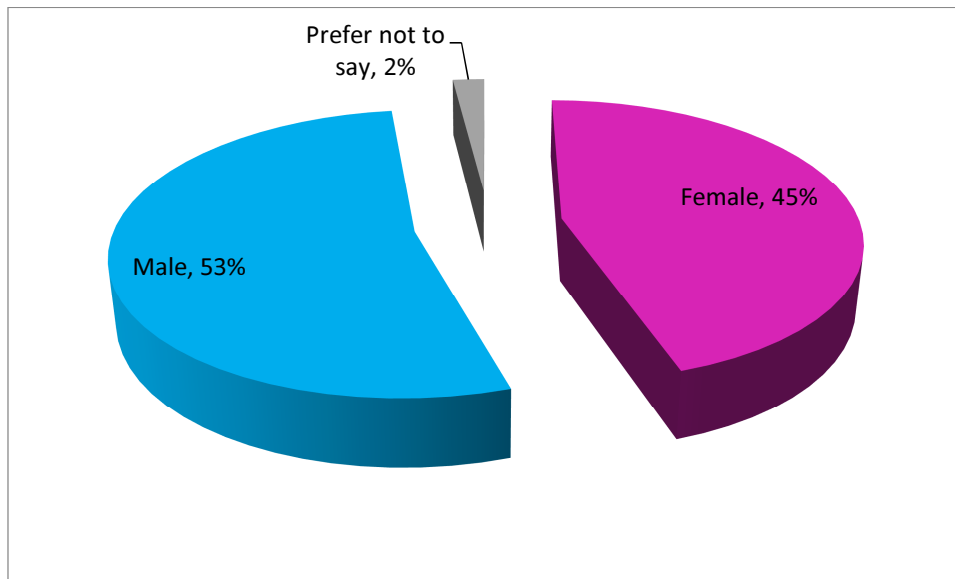
Q24. Do you regularly provide unpaid support caring for someone?

Less than one third of the sample (29%) regularly provide unpaid caring support for someone.



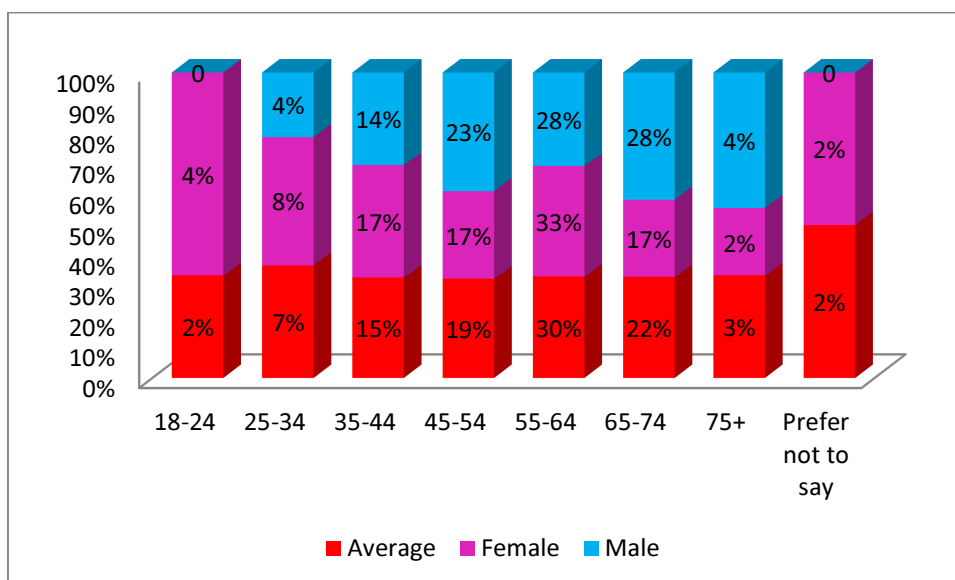
Q25. Are you male or female?

The sample comprised slightly more men (53%) than women (45%).



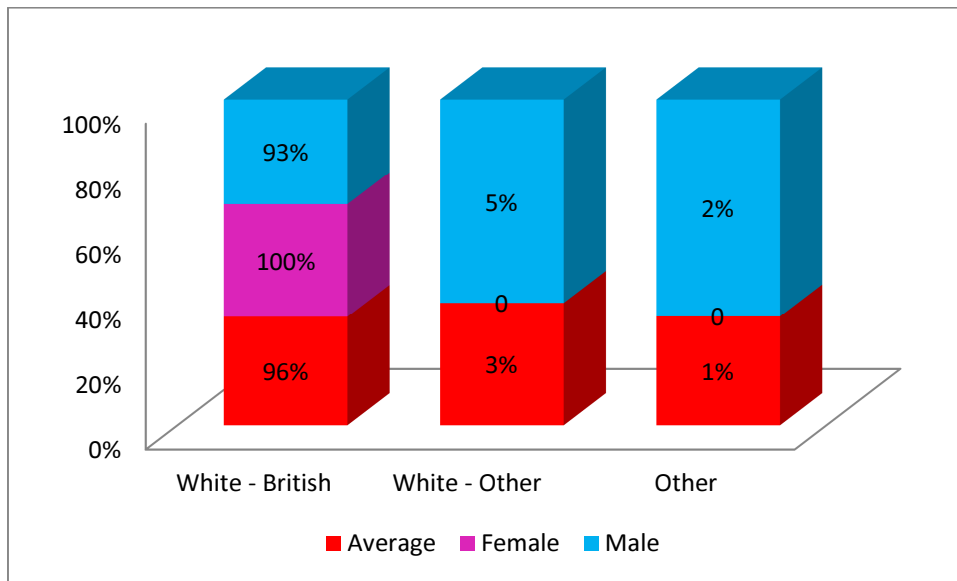
Q26. What is your age?

Just over one half of the sample fall into the 55-64 (30%) or 65-74 year old (22%) age brackets.



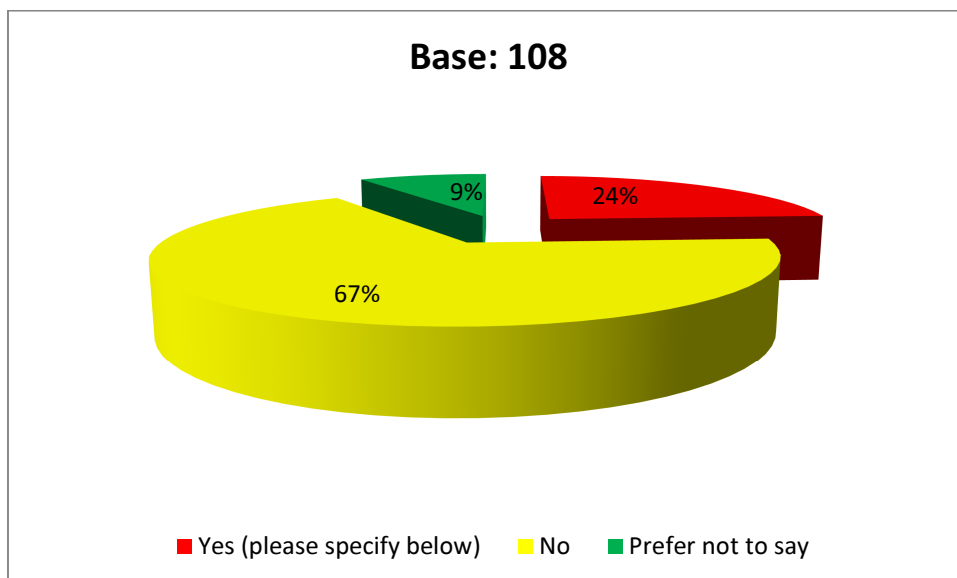
Q27. What is your ethnic origin?

The vast majority of the respondents are of White British ethnic origin (96%).

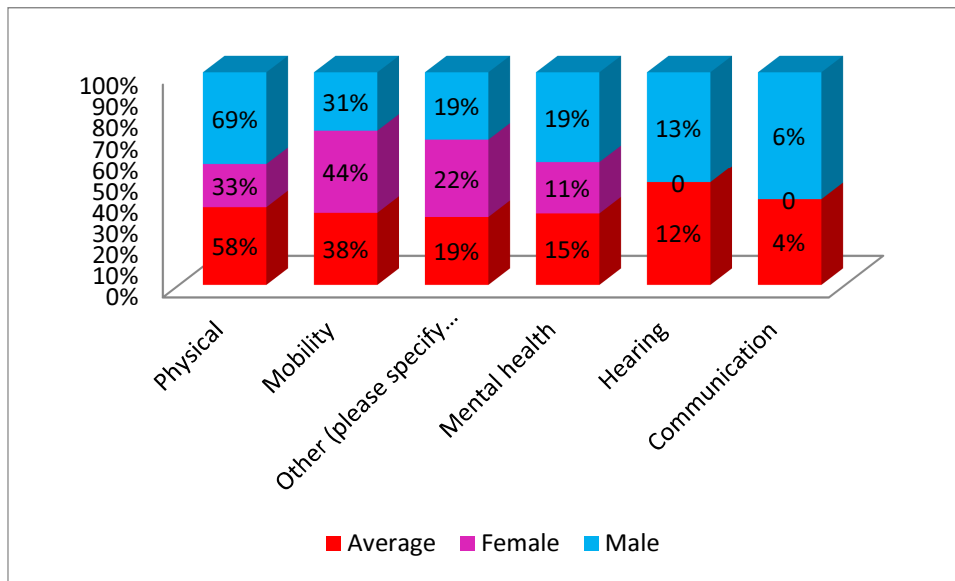


Q28. Do you consider yourself to have a disability or long term health condition?

Less than a quarter of the sample (24%) consider themselves to have a disability or long term condition.

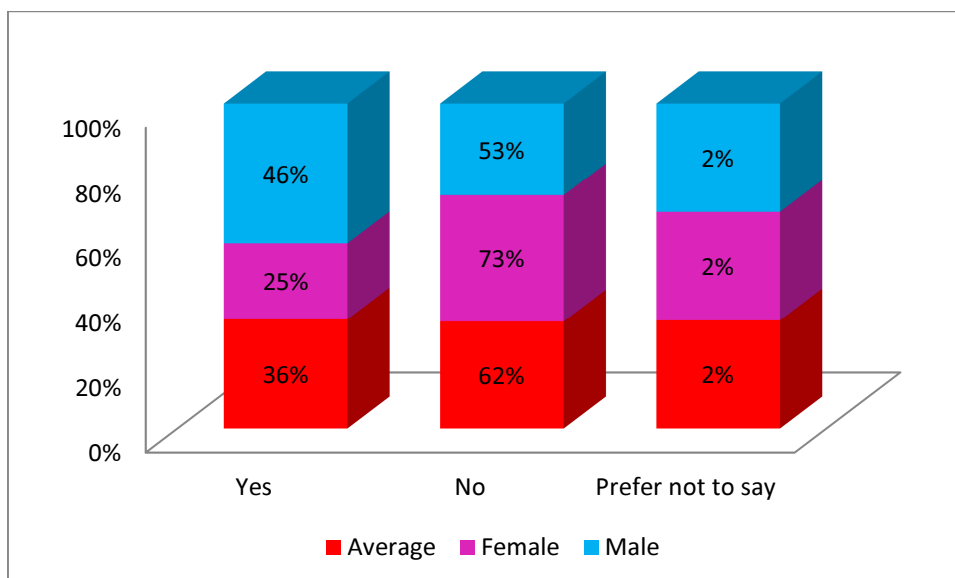


Q28a What is the nature of your disability?



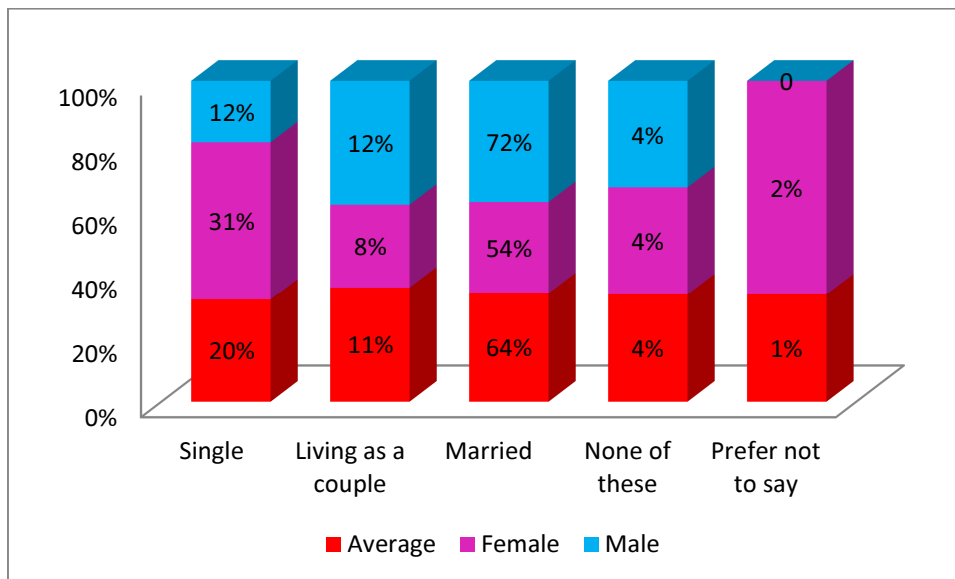
Q29. Are you receiving a Retirement Pension or Pension Credit?

Just over a third of the sample (36%) are in receipt of a retirement pension or pension credit.

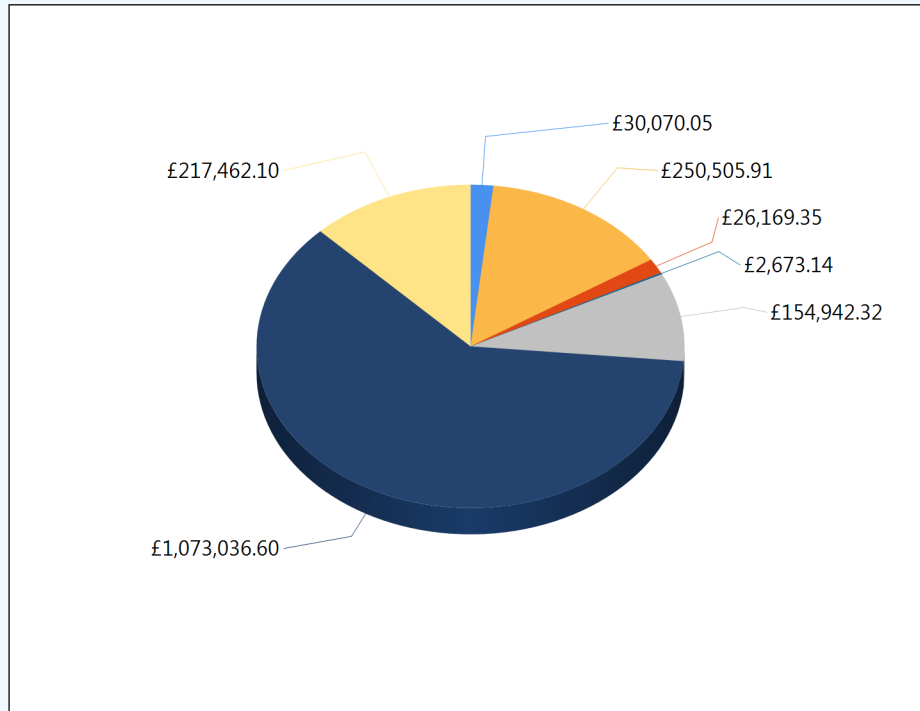


Q30. What is your relationship status?

Almost two thirds of the sample (64%) are married).



CTS Expenditure as of 2015-2016

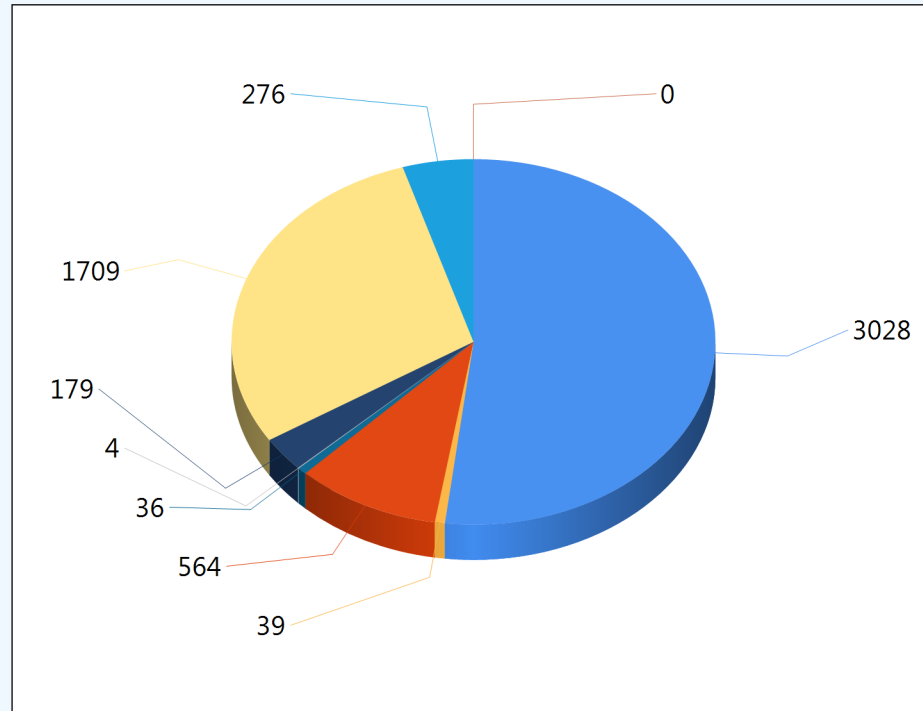


Group Description

- 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 14.09.2015



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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15 DECEMBER 2015

PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**REVISED GAMBLING ACT 2005 STATEMENT
OF PRINCIPLES 2016 - 2019****EXEMPT INFORMATION**

NIL.

PURPOSE

To consider the Revised Gambling Act 2005 Statement of Principles 2016 – 2019 and adopt them on 15 December 2015.

RECOMMENDATIONS

That Council adopt the policy and in doing so demonstrate their commitment to meeting the three Gambling objectives. In turn, fulfilment of the policy will feed into supporting the aspirations for Tamworth as a place to live and do business. Additionally, Tamworth Borough Council will actively seek to protect those who may be vulnerable as a result of Gambling.

EXECUTIVE SUMMARY

Section 349 of the Gambling Act 2005 requires Tamworth Borough Council, as a licensing authority to prepare and publish a Statement of Principles every three years. The Council's Statement of Principles is due for revision by January 2016.

RESOURCE IMPLICATIONS

The majority of fees chargeable are fixed at national level with the remainder set by individual authorities, it is intended that maintenance of the service will be met from within existing resources.

LEGAL/RISK IMPLICATIONS

The publishing of a Statement of Principles is a legal obligation of the Council.

Community Safety - (Crime and Disorder Act 1998). The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading, crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

Equality & Diversity – The impact of these proposals is assessed as 'low' against the Council statutory responsibilities.

Safeguarding - One of the key objectives of the Gambling Act 2005 is 'Protection children and other vulnerable persons from being harmed or exploited by gambling. Tamworth Borough Council's Child Protection Team, are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health – The Licensing and Public Health teams work together within the

council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carry out local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

Reputation – The implementation and enforcement of the Gambling legislation will enhance the Council's reputation. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Tamworth Borough Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

SUSTAINABILITY IMPLICATIONS

The presence of an effective gambling policy supports the published strategic priorities of being healthier and safer in Tamworth, the promotion of a responsible approach to the provision of gambling and protecting the vulnerable. The policy has been reviewed with the aim of producing a document that is fit for purpose not withstanding any changes in legislation and guidance for the next three years.

BACKGROUND INFORMATION

The Statement will last for a 3 year period but may be reviewed at any time prior to this by the authority. A revised Statement of Principles has been prepared and is included at **Appendix 1** of this report. The views of Tamworth businesses; responsible bodies; interested parties and persons were sought in a three month consultation exercise. There are substantive revisions identified at **Appendix 2**. For ease, the comments received are enclosed at **Appendices 3-8** and where appropriate have been incorporated into the policy. The draft policy was presented to Licensing Committee on 12 November 2015 and approved at Cabinet on 26 November 2015. The format of the policy follows Home Office Guidance and for ease a schedule of amendments with explanatory comments is included in the Background Papers.

It is a further requirement of the Act that the revised Principles must be approved at a full meeting of full Council. It is acknowledged that under existing gambling legislation, councils have very limited powers to restrict the opening of gambling premises even if they believe that their local areas are already saturated with them. Therefore Tamworth Borough Council will make full use of the range of tools at our disposal in relation to gambling regulation, recognising that our responsibilities go much wider than just betting shops and overall numbers of gambling premises.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

Background Papers

1. Guidance to Licensing Authorities, Gambling Commission March 2015.
<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>
2. Licensing, compliance and enforcement under the Gambling Act 2005: policy statement <http://www.gamblingcommission.gov.uk/pdf/licensing-compliance-and-enforcement-policy-statement.pdf>

Appendices

1. Appendix 1 - Revised Statement of Principles 2016 - 2019.
2. Appendix 2 – Summary of Revisions 2016 - 2019.
3. Appendix 3 – Elected member comment dated 11 Aug 15.
4. Appendix 4 – Elected member comment dated 22 Aug 15.
5. Appendix 5 – Campaign for fairer gambling dated 4 Sep 15.
6. Appendix 6 – Planning and Regeneration dated 7 Oct 15.
7. Appendix 7 – Coral Racing Response dated 26 Oct 15.
8. Appendix 8 – Gosschalks Solicitors Response dated 30 Oct 15.

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TAMWORTH BOROUGH COUNCIL

GAMBLING ACT 2005

**STATEMENT OF PRINCIPLES
2016 - 2019**

Revised with effect 1 January 2016

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

Should any regulations/codes of practice or guidance impact upon the content of this document it will need to be amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in March 2015

PART A

1. The Licensing Objectives

1.1. Under the Gambling Act 2005 (the Act) Tamworth Borough Council is the licensing authority for the Borough of Tamworth and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to Tamworth Borough Council Licensing Authority.

1.2. The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. Tamworth Borough Council will not make any judgement based on moral objections to gambling.

The licensing objectives are:

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

1.3. The Council will follow any regulations and statutory guidance issued in accordance with the Act which includes the provision that the Data Protection Act 1998 will not be contravened and will have regard to any codes of practice issued by the Gambling Commission.

1.4. The Council is aware that, in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

1.5. The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about Tamworth Borough Council's Local Area Profile is detailed at **Appendix E**.

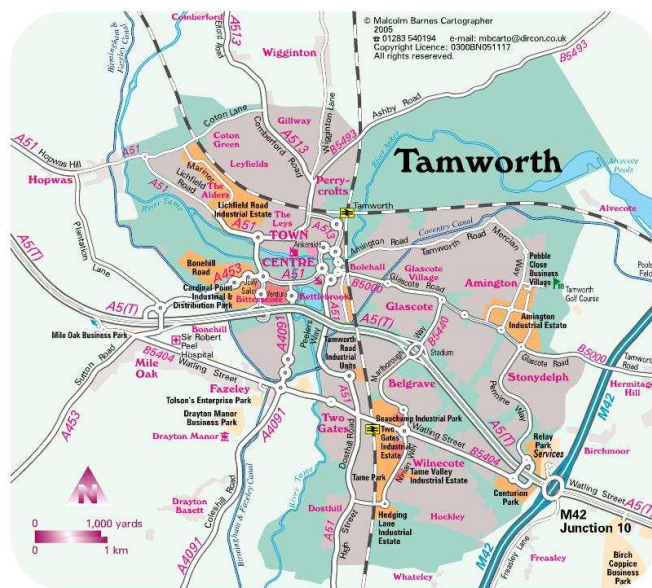
2. Introduction

2.1. 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.

2.2. Tamworth's resident population of around **76,800** makes it one of the main urban centres in Southern Staffordshire. The urban area density from the 2011 census for Tamworth is 39.6 persons per hectare, which is very similar to Cannock (39.3), and Burntwood (39.5), only slightly higher than Lichfield (37.9) and is less than nearby Polesworth (47). **Source ONS Census 2011.**

2.3. The Council area is illustrated on the map below

Map of Tamworth Borough



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

2.5. Tamworth Borough Council consulted widely upon this policy before finalising and publishing

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

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

List of persons this authority consulted:

- Staffordshire Police
- Staffordshire County Council Children's Services
- Existing operators of premises requiring licences under the Gambling Act 2005
- National Associations representing the Gambling industry
- Companies in the area who provide gaming machines
- Organisations dealing with gambling addiction and gambling problems
- The general public via the Council's website

Our consultation took place between August 2015 to October 2015 and we referred to the Code of Practice on consultations by government. A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.bis.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments will be available on the Council's website under the "Consultations" section.

Should you have any comments as regards this policy please send them via e-mail or letter to the following contact:

Head of Environmental Health
 Environment Health and Regulatory Services
 Tamworth Borough Council, Marmion House Lichfield Street,
 Tamworth, B79 7BZ

or via email: publicprotection@tamworth.gov.uk
tel: 01827 709437; or 01827 709445

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

3. Declaration

- 3.1. This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits according to the statutory requirements of the Gambling Act 2005.
- 3.2. In producing the final policy, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy.

4. Responsible Authorities

- 4.1. The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 4.2. The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
 - the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 4.3. In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.
- 4.4. The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at **APPENDIX D** of this document.

5. Interested parties

- 5.1. Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised

activities, or

- represents persons who satisfy the first two points.

5.2. The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- The Council will not apply a rigid rule to its decision making.
- It will be consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants association.

In order to determine if an interested party lives or has business interests, sufficiently close to the premises that are likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

If there are any doubts then please contact Head of Environmental Health
Environment Health and Regulatory Services
Tamworth Borough Council, Marmion House Lichfield Street,
Tamworth, B79 7BZ
or via email: publicprotection@tamworth.gov.uk
tel: 01827 709437; or 01827 709445

6. Exchange of Information

6.1. Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

6.2. The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

7.1. The council will work closely with the responsible authorities and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

7.2. In Carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

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

7.3. The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4. The council has adopted a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

7.5. The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

7.6. The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7. The council's enforcement policy will be available upon request.

8. Licensing Authority functions

8.1. Licensing Authorities are responsible under the Act for the:

- licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines

- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and Endorsing Temporary Use Notices
- Receiving Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section above on exchange of information)
- Maintaining registers of the permits and licences that are issued under these functions

8.2. The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

8.3 Applications are determined in accordance with the following delegation criteria shown at **APPENDIX G**.

PART B - PREMISES LICENCES

1. General Principles

- 1.1. The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 1.2. Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate, i.e. there is evidence of a risk to the licensing objectives in the circumstances of a particular case.
- 1.3. Applicants should be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

Definition of “premises”

- 1.4. Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 1.5. The council will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 1.6. The council will pay particular attention to applications where access to the

licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 1.7. An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Location

- 1.8. The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

- 1.9. With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area.

Tamworth Borough Council acknowledges the experience of operators in choosing locations and reiterates there is no policy to refuse or impose conditions where premises are in such areas.

- 1.10. The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

- 1.11. The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy

- when there is significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence; and
 - in any case, undertakes a local risk assessment when applying for a new premises licence.
- 1.12. The council will expect the local risk assessment to consider local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises.
- 1.13. In any case the local risk assessment should show how the gambling objectives are achieved.
- 1.14. Other matters that the assessment *may* include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored
 - The layout of the premises so that staff have an unobstructed view of persons using the premises
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons on the premises
 - Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self exclusion schemes, window displays and advertisements not to entice passers-by etc
 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence.
- 1.15. Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 1.16. This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Duplication with other regulatory regimes

- 1.17. The council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will

not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise. Applicants are encouraged to check whether any relevant planning consents need permission or to be varied. Additionally applicants are encouraged to investigate if and how a new planning policy compliant scheme could be achieved to meet license conditions.

Promotion of the Licensing objectives

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

2.1. The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard to the actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervisors.

2.2. There is a distinction between disorder and nuisance. In order to make the distinction when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was.

2.3. Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

3. Ensuring that gambling is conducted in a fair and open way

3.1. The council is aware that except in the case of tracks generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

3.2. However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commissions licence conditions and Code of Practice.

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

Protection of children

4.1. The licensing objective means preventing children from taking part in most

types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

4.2. The Act provides the following definition for child and young adult in Section 45:

Meaning of “Child” and “young person”:

- In this Act “child” means an individual who is less than 16 years old
- In the Act “young person” means an individual who is not a child but who is less than 18 years old.

For the purposes of this section protection of children will encompass both child and young person as defined by the Act.

4.3. The council will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

Protection of vulnerable people

4.4. The council is aware of the difficulty in defining the term “vulnerable person”.

4.5. The Gambling Commissions, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will for regulatory purposes assume that this group includes people: “who gamble more than they want to; people who gambles beyond their means; elderly persons and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

4.6. The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

“Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

4.7. In the case of premises licence the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling

- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons.

4.8. All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

4.9. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- Training for staff members which focus on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Trained personnel for the purposes of identifying and providing support to vulnerable persons
- Self exclusion schemes
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with Gamcare Helpline and website in prominent locations
- Windows, entrances and advertisements to be positioned or designed not to entice passersby.

4.10. It should be noted that some of these measures form part of the mandatory conditions placed on the premises licences.

4.11. The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

5. Conditions

5.1. The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of practice which are necessary for the general good conduct of gambling premises, therefore is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

5.2. Where there are specific risks or problems associated with a particular

locality, or specific premises, or class of premises, the council will attach individual conditions to address this.

5.3. Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises; and
- reasonable in all other respects.

5.4. Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

5.5. Where certain measures are not already addresses by the mandatory default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances
- Supervision of machine areas
- A reduction in the number of betting machines (betting premises)
- The manning of premises
- Physical separation of areas
- Location of entrance points
- Notices/signage

5.6. The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

5.7. Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission codes of practice or by the applicant, the council may consider licence conditions to address such issues.

6. Door Supervision

6.1. The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable

persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record check (DBS) on potential staff and for such personnel to have attended industry recognised training.

7. Adult Gaming Centres

- 7.1. Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.
- 7.2. Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.
- 7.3. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect the applicants to satisfy the authority that there will be sufficient measures to ensure, that under 18 year olds do not have access to the adult only gaming machines areas.

8. (Licensed) Family Entertainment Centres

- 8.1. Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.
- 8.2. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
 - All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high.
 - Only adults are admitted to the area where the machines (category C) are located
 - Access to the area where the machines are located is supervised at all times
 - The area where the machines are located is arranged so that it can be

observed by staff; and

- At the entrance to, and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.3. The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.4. The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

8.5. The efficiency of such policies and procedures will each be considered on their merits, however, they *may* include:

- Appropriate measures and training for staff as regards suspected truant children on the premises
- Measures and training covering how staff would deal with unsupervised very young children being on the premises.
- Measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover the the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

8.6. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

8.7. The council will refer to the Commission's website to familiarise itself any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of any mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

9. Casinos

9.1. There are currently no casinos within Tamworth and the local authority has

not submitted a request to be considered for one of the new casino licences to be issued.

9.2. Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005.

10. Bingo premises

10.1. There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

10.2. The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

10.3. The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

10.4. Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

11. Betting premises

11.1. Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

Betting machines

11.2. The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines. It is acknowledged that there is no such power to restrict the number of gaming machines.

11.3. Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including fixed Odds Betting Terminals (FOBT's), then applicants should consider the control measures related to the protection of vulnerable persons.

11.4. Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

11.5. Should the authority be aware of any problems with specific premises as a result of the operations of FOBT's or (SSBT's) the appropriate action will be taken, including the review of the premises licence if necessary and the imposition of appropriate conditions.

It should be made clear that action would only be taken where there were individual circumstances supporting the reasons for doing so - but not as a 'general' rule to be applied across all premises.

12. Tracks

12.1. Tracks are sited (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-

course' betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

- 12.2. All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 12.3. Tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- 12.4. If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 12.5. Gambling Commission guidance also indicate that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licence, e.g. a casino premises licence or adult gaming centre premises licence.
- 12.6. Children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 12.7. The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Betting machines

- 12.8. The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.

- 12.9. Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

13. Travelling Fairs

- 13.1. Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in a similar fashion under the new Act.
- 13.2. Travelling fairs have the right to provide an unlimited number of category D machines and / or equal chance prize gaming (without a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 13.3. The council will consider whether and fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 13.4. The council is aware that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

14. Provisional Statements

- 14.1. A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so that the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 14.2. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or

- which is in the authority's opinion reflect a change in the operator's circumstances.

14.3. When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

15. Reviews:

15.1. A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's Gambling Act 2005 - statement of licensing policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

15.3. The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C - Permits/Temporary & Occasional Use Notice

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

- 1.1. The 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premise is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.
- 1.2. The Gambling Act 2005 contains provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states in preparing this statement, and/or considering applications, it (the council) need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 1.3. In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

- 1.4. The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 1.5. The efficiency of such policies and procedures will each be considered on their merits, however, they **may** include:
 - appropriate measures / training for staff as regards suspected truant school children on the premises
 - measures and training covering how staff would deal with unsupervised very young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises
 - The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as

possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

1.6. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the independent Safeguarding Authority to determine if their staff needs to be DBS checked.

1.7. The council will also expect that, as per the Gambling Commissions Guidance that applicants demonstrate

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

1.8. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “statement of Principles” have been addressed through the application.

1.9. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

2. Gaming machine permits in premises licensed for the sale of alcohol

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

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

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

matters as they think relevant.” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.

- 2.3. All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 2.4. Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as Gamcare.
- 2.5. The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.6. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 2.7. It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 2.8. Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

3. Prize Gaming Permits

- 3.1. Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 3.2. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

- 3.3. The Gambling Act 2005 contains provision for local authorities to prepare a Statement of principles that they propose to consider in determining the suitability of the applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications it (the council) need not (but may) to have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.
- 3.4. In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of principles

- 3.5. The council will expect the applicant to show that there are policies and procedures in place to protect children from. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 3.6. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures / training for staff as regards suspected truant school children on the premises,
 - measures and training covering how staff would deal with unsupervised very young children being on the premises,
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
 - The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 3.7. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff needs to be DBS checked.
- 3.8. The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible;
 - and that the gaming offered is within the law.
- 3.9. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that

the issues raised in the “Statement of Principles” have been addressed through the application.

3.10. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

3.11. There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

4.1. Members Clubs and Miners’ welfare institutes may apply for a ‘Club Gaming Permit’ or a ‘Club machine permit’. The ‘Club Gaming Permit’ will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming i.e. Poker, bingo etc. A ‘Club machine permit’ will enable the premises to provide gaming machines (3 machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.

4.2. To qualify for these special club permits a members club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

4.3. Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.
- Notices and signage
- The provision of information leaflets/helpline numbers for organisations such as Gamcare.

4.4. Before granting the permit the council will need to satisfy itself that the

premises meets the requirements of a members' club and the majority of members are over 18.

4.5. The council may only refuse an application on the grounds that:

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

4.6. There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced." and "The grounds on which an application under the process may be refused are:

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

5. Temporary Use Notices

5.1. Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

5.2. Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

5.3. Only persons or companies holding a relevant operating licence, can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

5.4. A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place.

5.5. The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices (for tracks)

6.1. There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.

6.2. The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

7. Small Society Lottery registrations

7.1. A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

7.2. The Act creates two principle classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

7.3. A small society lottery is a lottery promoted on behalf of a non commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Tamworth and want to run such lottery.

7.4. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

7.5. To be 'non-commercial' a society must be established and conducted:

- For charitable purposes
- For the purpose of enabling participation in, or supporting, sports, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

7.6. The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'.

7.7. The National Lottery is not regulated by the Commission, but continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

8. Territorial applications

Vessels

8.1. Vessels such as cruise ships, ferries, boats and hovercrafts are required to have premises licence if commercial gambling is provided at them. However if a vessel is engaged on a journey into or from international waters, then no premises licence is required.

Vehicles

8.2. No premises licences can be issued in respect of a vehicle. In addition to a car, lorry or coach the Act also provides that 'vehicle' includes a train, aircraft, seaplane and any amphibious vehicle other than a hovercraft. There is no exemption for international travel. Whilst this is ultimately a matter for the courts it is the Commission's view that a vehicle remains a vehicle not only when stationary but also if located permanently at a particular site, perhaps with its wheels removed but capable of being reinstated.

Aircraft

8.3. No offence occurs if gambling is conducted on an aircraft which is in international space. As an aircraft is a vehicle, no premises licences can be granted to aircraft for gambling in domestic airspace.

Airports

8.4. The Act applies to all parts of an airport including both domestic and international departure halls. Therefore any business that would normally require a premises licence will also require a licence to operate at an airport.

8.5. Due to differences in jurisdictional application, there is an anomaly in respect of granting gaming machine permits to pubs and bars where alcohol is sold airside in airports.

8.6. In England and Wales, the Licensing Act 2003 applies to pubs and bars in the domestic part of the airport and therefore these businesses are able to qualify for the automatic gaming machine entitlement or can apply for a gaming machine permit for more than two gaming machines.

Definitions

- Chief Officer of Police – the Chief Constable of Staffordshire Police
- Premises Licence – a licence for a premises used for gambling
- Provisional Statement – a pre-cursor to a Premises Licence for premises which are not yet constructed, expect to be altered or expect to be obtain a right to occupy
- Club Gaming Permit – a licence available to Members' Clubs and Miners' Welfare Institutes which authorise the use of gaming machines
- Club Machine Permit – a permit which allows a holder to have up to three gaming machines in total (categories B4, C or D)
- Licensed Family Entertainment Centres – licensed premises with category C and D gaming machines
- Unlicensed Family Entertainment Centres – premises with only category D gaming machines
- Licensed Premises Gaming Machine Permits – permits which are issued to premises licensed for the sale of alcohol (under the Licensing Act 2003)
- Small Society Lottery – lotteries run by non-commercial societies
- Prize Gaming Permits – permit issued to allow facilities for gaming with prizes
- Temporary Use Notice – a notice allowing a premises which does not hold a Premises Licence to be used temporary for gambling purposes
- Occasional Use Notice – a notice that allows betting at a track where this occurs on eight days or less each year
- LGA Local Government Association
- Tracks – sites (including horse racecourses and dog tracks) where races or other sporting events take place
- Category A Gaming Machine – a gaming machine with an unlimited stake and an unlimited prize
- Category B1 Gaming Machine – a gaming machine with an £2 maximum stake and an £4000 maximum prize
- Category B2 Gaming Machine – a gaming machine with an £100 maximum stake and an £500 maximum prize
- Category B3 Gaming Machine – a gaming machine with an £1 maximum stake and an £500 maximum prize
- Category B3A Gaming Machine – a gaming machine with an £1 maximum stake and an £500 maximum prize
- Category B4 Gaming Machine – a gaming machine with an £1 maximum stake and an £250 maximum prize
- Category C Gaming Machine – a gaming machine with an £1 maximum stake and an £70 maximum prize
- Category D Gaming Machine – a gaming machine with an 30p maximum stake and an £8 maximum prize (non money), £1 maximum stake and a £50 maximum prize (crane grab only) 10p maximum stake and an £5 maximum monetary prize 10p maximum stake and an £8 (of which no more that £5 may be a money prize) maximum prize (combined), 20p maximum stake and a £20 (of which no more than £10 may be a money prize) maximum prize (coin pushers/penny falls machines)

Appendix A: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises (1)			maximum 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
Adult gaming centre (2)			maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
Family entertainment centre (3)						No limit on category C or D machines	
Family entertainment centre (with permit) (3)						No limit on category D machines	
Clubs or miners' welfare institute (with permits) (4)					Maximum of 3 machines in categories B3A or B4 to D		
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	

Travelling fair							No limit on category D machines
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- (1) Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines
- (2) Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available for category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines
- (3) Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within a licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
- (4) Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
- (5) Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix B: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D - combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)
<ul style="list-style-type: none"> • With option of max £20,000 linked progressive jackpot on the premises 		

Appendix C: Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridg whist
Equal chance gaming	Yes	Brid and Whist

Appendix D – List of Responsible authorities

<p>Licensing Team Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p> <p>Tel: 01827 709445 publicprotection@tamworth.gov.uk www.tamworth.gov.uk</p>	<p>Police Licensing Officer Trent Valley Police Division The Police Station Horninglow Street Burton upon Trent Staffordshire DE14 1PA</p> <p>Tel: 01785 234722</p>
<p>Corporate Director for Social Care & Health Walton Buildings PO BOX 11 Martin Street Stafford ST16 2LH</p> <p>Tel: 01785 277157</p>	<p>Pollution Team Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p> <p>Tel: 01827 709445</p>

<p>Planning Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p> <p>Tel: 01827 709709</p>	<p>Health and Safety Team Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffordshire B79 7BZ</p> <p>Tel: 01827 709445</p> <p>Or</p>
<p>Trading Standards Staffordshire County Council Consumer Services Section Martin Street Stafford ST16 2LG</p> <p>Tel 01785 277888</p>	<p>Health & Safety Executive Marches House Midway Newcastle Under Lyme Staffordshire ST1 5DT</p> <p>Tel: 01782 602300</p>
<p>Staffordshire Fire & Rescue Service Fire Safety Officer Lichfield Fire Station Birmingham Road Lichfield WS13 6HU</p> <p>01785 898 914</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p>H M Revenue & Customs Crownhill Court Tailyour Road Plymouth PL6 5BZ</p>	

Appendix E

Guidance on Undertaking Local Gambling Risk Assessments

Introduction

The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited and betting intermediary licences).

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Tamworth has been doing for a number of years. We have found that a risk-based approach to regulation enables the authority to prioritise resources where they are most needed and can be most effective.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guidance is issued to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable the Council to establish a more progressive compliance inspection regime.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by 6th April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council will assist operators in this process by providing information on its profile surrounding gambling within the Borough.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Background

Tamworth Borough Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Tamworth. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities.

They are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- (b) ensuring that gambling is conducted in a fair and open way.
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether. The Licensing Authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council looks to understand how gambling can affect its residents and visitors. The Council also

looks to identify individuals who live in the local area who are potentially vulnerable to gambling related harm.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

This provision comes into force on 6 April 2016

- 1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.**
- 2. Licensees must review (and update as necessary) their local risk assessments:**
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;**
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;**
 - c. when applying for a variation of a premises licence; and**
 - d. in any case, undertake a local risk assessment when applying for new premises licence.**

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

This provision comes into force on 6 April 2016

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.**

These code provisions come into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within Tamworth must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

Risk assessment trigger

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority's views on what these triggers are and when operators should provide a copy of their assessments to the Licensing Authority.

New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposing to operate at the premises and should take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example,

where premises are converted to a local supermarket or a new office building is constructed nearby

- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area)
- A new gambling premises opens in the local area

The list above is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

Significant changes to the premises

From time to time operators will undertake a refurbishment of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

The following list sets out some examples of what could be considered to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises

- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, and hand held gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises

The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then a new risk assessment will be required for that new premises and a copy of that assessment must be submitted to the Licensing Authority with the application form.

Regular review of risk assessment

As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

Local risks and control measures

There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

Local area risks

There are a number of factors relating to the local area that operators will need to consider which is independent of who the operator believes is their target market. A few examples of these factors are listed below:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise of residents, workers or visitors, is it a family orientated area, popular with children and young people
- Transport links and parking facilities
- Educational facilities

- Community centres
- Hospitals, mental health or gambling care providers
- Homeless or rough sleeper shelters, hostels and support services
- The ethnicity, age, economic makeup of the local community.

The local area will be different depending on the premises and the size of its operation. For example a bingo hall may have a wider catchment area than a neighbourhood betting shop as the bingo hall attracts customers from further afield.

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:

- the gambling products it provides in the premises
- the facilities to enable gambling within premises
- marketing material within premises
- standard shop fixtures and their design
- security and crime prevention arrangements
- shop displays and provision of information to customers
- staffing levels
- Loyalty cards

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a

high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place. The appropriate mitigation in this case may be for the operator to amend the premises design by installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATM's.

Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras. Applicants are advised that measures to deal with Premises and Exterior Design Risks will likely require planning consent (e.g. roller shutters). Therefore liaison with the Planning team would be useful to as they will have to consider separate issues as dictated by planning policy (e.g. creating an attractive public realm).

Control measures

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have

been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures should be built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

As aforesaid, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

- Systems:** PASS card or age verification policies, challenge 21/25 scheme, staff training and door staff.
- Design:** Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.
- Physical:** Magnetic door locks and ID scans.

Licence conditions

As set out in the code provisions, applications for new premises licences and for variations to existing licences will require a local risk assessment. The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions. The Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and codes of Practice, Operators may wish to suggest additional conditions to assist in formulating appropriate control measures to mitigate risks to the licensing objectives identified in their local risk assessments.

Undertaking a local risk assessment

The Commission's Licence Conditions and Code of Practice (LCCP) which were

revised and published in February 2015 formalised the need for Operators to consider local risks.

The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take account of significant changes in local circumstances, including those identified in this policy statement
- Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Council requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise.

The risk assessment should will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

A local risk assessment of gambling premises should be carried out through a step-by-step approach. The approach that the Licensing Authority suggests is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation, and finally to assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

To assist, the Licensing Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment (**See Appendix E**). The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed.

Assessor

It will be the responsibility of the gambling operator to assign an assessor who will assess the local risks for their premises. The person assigned as the

assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

Step 1: The local area

Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the licensing objectives.

The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people
- Transport links and parking facilities
- Educational facilities
- Community centres
- Hospitals, mental health or gambling care providers
- Homeless or rough sleeper shelters, hostels and support services
- The ethnicity, age, economic makeup of the local community
- significant presence of young children
- high crime area
- high unemployment area
- nearby alcohol or drug support facility
- pawn broker/pay day loan businesses in the vicinity
- other gambling premises in the vicinity.

Step 2: The gambling operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk. The assessor may wish to consider:

- how the gambling operation will relate to how the operator conducts its business
- what gambling products it provides in the premises
- the facilities to enable gambling within the premises
- the staffing levels within the premises
- the level and requirement for staff training
- whether loyalty or account cards are used or not
- the policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- the security and crime prevention arrangements it has in place
- how it advertises locally and on the premises
- the marketing material within the premises
- the display and provision of information, etc.

Step 3: The design of the premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

For example:

- the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter
- the assessor may identify that the design of the entrance to the bingo hall is not sufficiently covered by CCTV to enable the identification of offenders

- premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place
- if a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high

These would be identified risk factors that would need to be documented.

Step 4: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime.

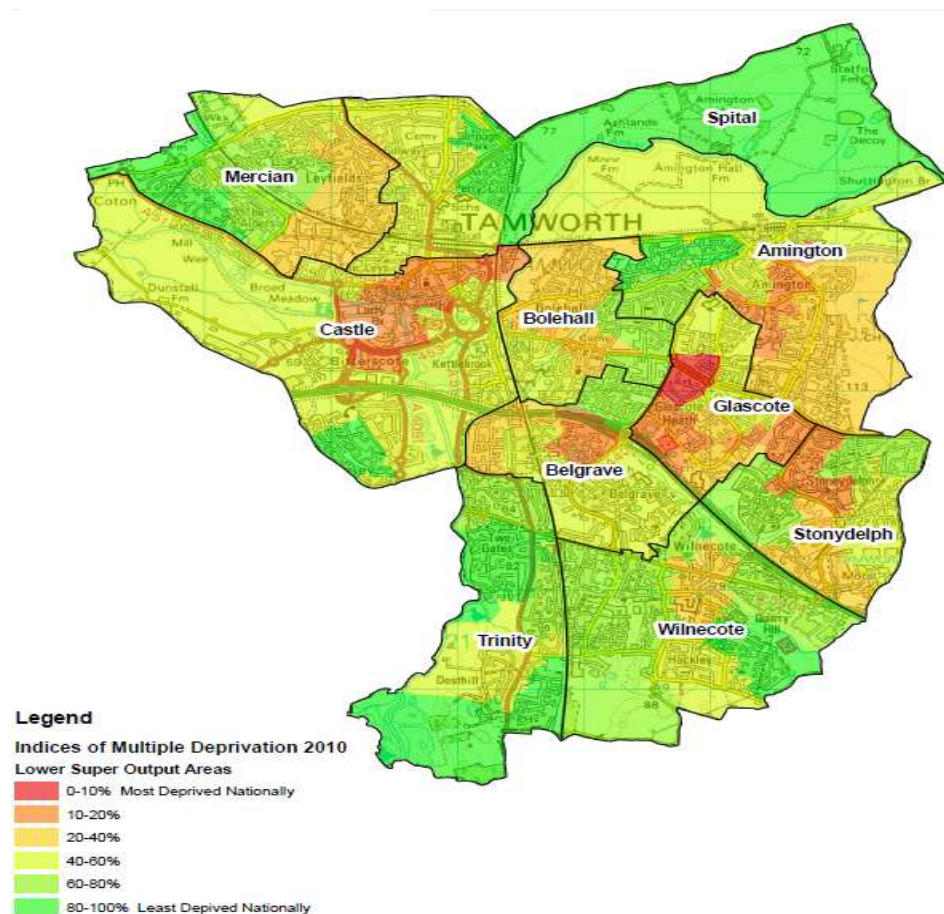
The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

Local Area Profile

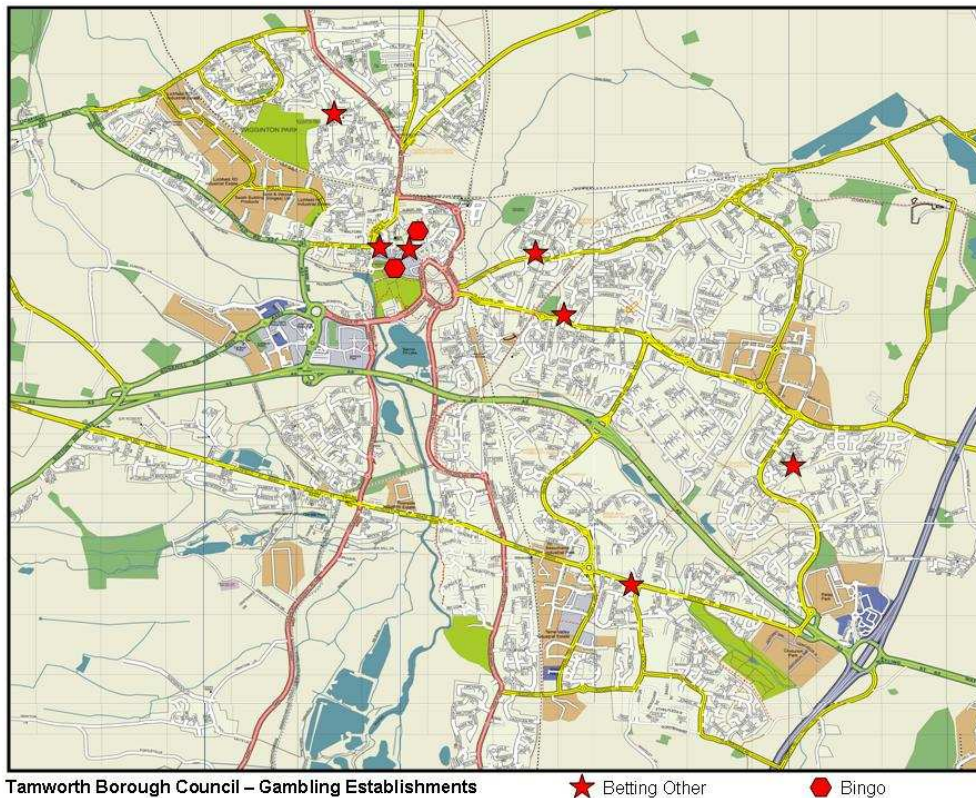
The Licensing Authority has completed an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

The following area profile has been included to facilitate operators being able to better understand the environment within Tamworth and therefore proactively mitigate risks to the licensing objectives.

Tamworth Borough Council, Index of Multiple Deprivation 2010 (Source Staffordshire County Council)



Location of Gambling Premises as at July 2015



Tamworth Borough Council has a total of 9 gambling premises licences and 30 entries in the Register of Notifications & Permits under the Gambling Act 2005. Five entries relate to permissions to gamble in licensed premises and 25 relate where there has been a notification of the maximum number of machines (two, category C and D).

The breakdown of those licences by type and location is given below:

By premises:

Betting - 7
 Bingo - 2

By location:

Tamworth Town Centre - 4
 Tamworth Suburbs - 5

In Tamworth Town Centre there are 2 betting premises, a figure which has remained stable since inception of the Act.

Betting premises can also be found in some of the smaller communities of Leyfield, Amington, Glascote, Stonydelph and Wilnecote.

There is 1 bingo premises situated within Tamworth Town Centre and also 1 bingo premises located in Spinning School Lane.

There are no Adult Gaming Centres within the Borough of Tamworth.

From the ward based information provided on the Index of deprivation and the distribution of premises, the following observations;

Most premises, 2 betting, 2 bingo are in Castle Ward, the town centre and this is within 10-20% of the most deprived areas nationally. Stonydelph Ward also has a betting premise within 10-20% of the most deprived areas nationally. The remaining premises are spread throughout the 20-40%, 2; 40-60%, 1 and 60-80%, 1. The phenomenon of clustering in deprived areas, or an influx of premises e.g. when a business closes or a downturn in the economy (around 2012-13) does not appear evident in Tamworth. There has been concerns voiced in the media about increases in Fixed Odds Betting Terminals (FOBT) in premises in deprived areas and the betting industry targets areas of deprivation, Tamworth Borough Council will work with partners and organisations to assess and where practical mitigate any risk.

Underage gambling is deemed low risk following visits to the licensed premises. There are new schools and housing being built in the area but currently it is deemed as low risk that the extra population will adversely alter the demographic of those who regularly gamble. However this will be reviewed in future policy documents.

Recent enquires with local betting premises in relation to the use of B2 or FOBT seems to show that there is no excessive use of the machines and proper control and monitoring of these machines by the licence holders is in place. Inspections by authorised Tamworth Borough Council, Environmental Health staff have highlighted a high level of compliance by businesses and the industry. Additionally, there have been few complaints received about individual premises. This authority will continue to ensure high compliance levels are maintained.

In concert with the approach taken by other Councils, Tamworth Borough Council will proactively engage with all responsible authorities as well as other organisations; public health, mental health, housing, education, community welfare groups and safety partnerships to ensure any new or varied applications are assessed taking the local area profile and any risks into account.

Tamworth Borough Council - Local Gambling Risk Assessment(example)

Premises Name:

Premises Licence Number (If Applicable):

Premises Address:

Post Code:

Category of gambling premises licence:

Name of person completing the assessment:

Date original assessment carried out:

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

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

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

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

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

--

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

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

--

ACTIONS FOLLOWING ASSESSMENT

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

Signed:	Date:
PRINT NAME:	

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41
<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

Appendix F - SCHEDULE OF CONSULTEES TO THE DRAFT POLICY STATEMENT

Holders of existing licences, permits and registrations who will be affected by the provisions of the Act

Local Residents/Associations

Staffordshire Chief Officer of Police

Staffordshire Fire & Rescue

Staffordshire County Council – Department of Social Care & Health

TBC - Chief Executive

TBC – Director, Assets and Environment

Solicitor to the Council c/o TBC - Legal & Democratic Services

TBC – Director, Housing & Health

TBC - Crime and Disorder Partnership

Local Strategic Partnership - Chairman

Violence Action Group - Chairman

Tamworth Town Safe Licensee Forum - Chairman

Southern Staffordshire Chamber of Commerce & Industry

NHS South East Staffordshire and Seisdon Peninsula CCG

Tamworth Social Equality Council

British Amusement Catering Association

British Casino Association

Bingo Association

British Horse Racing Board

British Greyhound Racing Board

Casino Operators Association

Club & Institute Union

Gamcare

Responsibility in Gambling Trust

Gamblers Anonymous

Licensed Victuallers Association

Lotteries Commission

Luminar Leisure

Mitchells & Butlers

Poppleston Allen, Solicitors

Rutherfords Solicitors

Hammonds Solicitors

John Gaunt & Partners

Berwin Leighton Paisner

Yates Group

British Beer & Pubs Association

Campaign for Real Ale

Garner Canning & Co Solicitors

Dewes Sketchley, Solicitors

Enoch Evans, Solicitors

Edwards Geldard, Solicitors

Bond Pearce Solicitors

Inn Court, Licensing Consultants

Challinors, Solicitors

Martyn Amey & Co Solicitors

Appendix G - Table of Delegations of Licensing Functions

Matter to be Dealt With	Full Council	Licensing Committee	Officers
3 year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting when appropriate		Executive / Cabinet	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			Refer to * below
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a		X	

Matter to be Dealt With	Full Council	Licensing Committee	Officers
counter notice to a temporary use notice			
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

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

* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.
- ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Director Assets and Environment, Head of Environmental Health/Environmental Health Staff.

TAMWORTH BOROUGH COUNCIL

GAMBLING ACT 2005

DRAFT STATEMENT OF PRINCIPLES 2016 – 2019

REVISIONS

All revisions reflect the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published March 2015 and Changes in appointments/Directorate titles within the Organisation and those of Consultees.

PAGE, PARA	SUBJECT	REMARKS
p3, 1.2	Moral objections	Tamworth Borough Council position takes no account of morality.
p.3, 1.5QA	Risk Assessment	Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment
p.4, 2.2	Population Density	Amended following Planning comment
p.10, 1.4	Definition of Premises	Definition of Premises explained in more detail
p.11, 1.8	Location	Location and it's relation to the risk assessment explained in more detail
p.13,	Premises Licences	Amended following Planning comment to encourage compliance with Planning Consents/Policy
p.13, 4.1 to 4,11	Protection of children, vulnerable persons	Greater details provided as to children and who is regarded as a vulnerable person and reference to Dept of Health guidance.
p.14, 5.1	Conditions	Application of proportionate conditions
p.17, 7.1	Adult Gaming Centre	New category introduced and explained
p.18, 8.1	Family Entertainment Centres	Expansion of the guidance provided
p.19, 10.1	Bingo	No official definition of bingo highlighted, however description of types of premises used for bingo provided.
p.19, 11.1	Betting Premises	Explanation of legal intention to restrict betting machines
p.20, 11.5	Betting Premises	Insertion of provision following concerns raised by Campaign for Fairer gambling dated 4 Sep 15
p.24, 1.1	Unlicensed family Entertainment Centres	Definition provided.
p.25, 2.1	Gaming machines in premises licensed for alcohol	Requirement for premises with more than 2 gaming machines to apply for a permit.
p.34	Appendix A	Amendments to Categories with detailed

		explanations
p.40	Appendix E	New information of Risk assessment explained and local risk assessment form. There is no requirement to follow the guidance slavishly and this takes account of concerns raised by Coral Racing at page 3 of Appendix 3. Gosschalks believe the form to be too prescriptive, however the document is offered as guidance to enable the risk assessment to be completed which is the end state for all parties.
p.47	Appendix E	Premises and Exterior Design Risks that planning applications will have to consider separate issues as dictated by planning policy
p.61	Appendix G	8.3 Table of Delegations of Licensing Functions ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Director Assets and Environment/Head of Environmental Health/Environmental Health Staff.

Remarks following responses

ITEM/(SUBJECT)	REMARKS
Appendix 3 - Elected member comment dated 11 Aug 15, (Question regarding details of premises)	Cllr James Good evening, they are Included but not mentioned specifically. You rightly mention we have premises with alcohol licences and those primarily for betting/gaming. Hope this assists Steve
Appendix 4 - Elected member comment dated 22 Aug 15 (Questions regarding type of premises and numbers and types of gaming permits)	Dear Cllr Clarke Thank you for your comments regarding the above consultation. Your observations will be duly noted and taken in to account. In response to your query at point 3, an application for a Club Gaming / Machine Permit would not need to a change of use of premises. This type of application is restricted to Members Clubs for example Working Men's Clubs, Miners Welfare Institutes and Commercial Clubs. Normal pubs or other alcohol licensed premises could not apply for this type of permit.

	<p>The criteria for applying for this type of permit are laid down in the Gambling Act and are outlined in sections 4.1 to 4.6 of the draft statement of principles.</p> <p>There is a “fast track “ application route available to those Clubs holding a Club Premises Certificate issued under the Licensing Act 2003 (please see section 4.6 page 29). Most of our Members Clubs have applied for Club Gaming Machine permits using this route.</p> <p>Unless there are representations from the Gambling Commission or the Police about an application for a Club Gaming / Machine Permit – most of the applications would be dealt with by officers – under the delegations outlined at Appendix G (page 60). This table of delegation is one recommended in 4th edition of Guidance to Licensing Authorities issued by the Gambling Commission.</p> <p>Also please note that when a fast track application is made, the grounds for any objections is very limited, (please refer to 4.6 on page 29).</p> <p>Appendix A of the draft Statement summarises the gaming machines that can be made available for use in different types of premises. Appendix B summarises the maximum stakes and prizes set by the gambling commission. Appendix C summarises the gaming entitlements for clubs and public houses.</p> <p>I hope that the above answers your query.</p> <p>Kind regards</p> <p>Colin John</p>
<p>Appendix 5 - Campaign for fairer gambling dated 4 Sep 15 (Letter raising concerns about FOBTs and SSBTs)</p>	<p>Should the authority be aware of any problems with specific premises as a result of the operations of Fixed Odds Betting Terminals (FOBT's) or Self-Service Betting Terminals (SSBT's) the appropriate action will be taken, including the review of the premises licence if necessary and the imposition of appropriate conditions.</p> <p>It should be clear that action would only be taken where there were individual circumstances supporting the reasons for doing so - but not as a 'general' rule to be applied across all premises.</p>
<p>Appendix 6 - Planning and Regeneration dated 7 Oct 15</p>	<p>Matthew,</p> <p>Good afternoon,</p> <p>Many thanks to you and your team for their comments, we will</p>

	<p>add them to the policy as appropriate.</p> <p>Steve</p>
<p>Appendix 7 - Coral Racing Response dated 26 Oct 15 (Detailed letter outlining Coral Racing national approach and comments on local issues raised).</p>	<p>John, Simon,</p> <p>Good afternoon,</p> <p>Thank you for your comments in relation to the consultation, the comments that I included were based on anecdotes and intended to give a flavour of the debates taking place. Your comments serve to challenge the perceived views.</p> <p>We will ensure that the committee has sight of your comments.</p> <p>Regards,</p> <p>Steve</p>
<p>Appendix 8 - Gosschalks Solicitors Response dated 30 Oct 15 (Detailed letter outlining Gosschalks national approach and comments on local issues raised).</p>	<p>Lucy,</p> <p>Good afternoon,</p> <p>Thank you for your comments, quick observations on your letter,</p> <p>Local area risk assessments. we hope that the form of that risk assessment enables an applicant to provide as much information to enable a decision as to whether their operation meets the statement of principle,</p> <p>Profiles. We have included as an annex to enable flexibility and updates to be added as and when appropriate.</p> <p>Specific policy comments. It is not Tamworth BC's intention to constrain business, we have taken a pragmatic view and agreed this draft policy across the county of Staffordshire. We will include your comments in the report and policy and look forward to hearing from you on behalf of your operators.</p> <p>regards,</p> <p>Steve</p>

From: James, Andrew
Sent: Tuesday, August 11, 2015 09:19 PM
To: John, Colin
Cc: Lewis, Stephen
Subject: RE: Gambling Act 2005 - Consultation on Statement of Principles 2016 to 2019 - Tamworth Borough Council

Good evening Colin,

Thank you for the draft Statement of Principle and I have a couple of questions on the document.

Does the arcade located in George Street not come under this act because I cannot find reference to the premises in the statement and are licensed premises that have gaming machines not covered by the statement and the Gaming Act?

Regards,

Cllr Andrew James – Mercian Ward
Healthier & Safer scrutiny committee Chairman
Tamworth Borough Council
c/o 14 Castlehall, Glascote, Tamworth, Staffs, B77 2EQ

Mobile: 07958 155 863
E-mail: andrew-james@tamworth.gov.uk
Website: www.tamworth.gov.uk

One Tamworth perfectly placed.

To report litter or graffiti please e-mail litter@tamworth.gov.uk

You can report other issues via the Tamworth Borough Council's website at www.tamworth.gov.uk

Cllr James

Good evening, they are Included but not mentioned specifically. You rightly mention we have premises with alcohol licences and those primarily for betting/gaming.

Hope this assists

Steve

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From: Clarke, Margaret
Sent: 22 August 2015 17:15
To: John, Colin
Cc: Lewis, Stephen
Subject: RE: Gambling Act 2005 - Consultation on Statement of Principles 2016 to 2019 - Tamworth Borough Council

Hello Colin

Thank you for the consultation documentation.

1. I like the suggested Local Area Profile which I believe is a good assessment tool
2. P,58 Risk Assessment Renewals – Well thought out form in my opinion
3. Query? - Application to add Club Gaming/Club Machine – does this translate to a 'Change of Use' of the premises licensed or otherwise, and does it need to come before Committee with Officers' Risk Assessment?

Kind regards
Margaret

P.S. Steve, Point 11.1 Betting Premises appears to answer my question re. numbers of machines allowed dependent on the size of premises and numbers of staff. Many thanks
mc

Dear Cllr Clarke

Thank you for your comments regarding the above consultation. Your observations will be duly noted and taken in to account.

In response to your query at point 3, an application for a Club Gaming / Machine Permit would not need to a change of use of premises. This type of application is restricted to Members Clubs for example Working Men's Clubs, Miners Welfare Institutes and Commercial Clubs. Normal pubs or other alcohol licensed premises could not apply for this type of permit.

The criteria for applying for this type of permit are laid down in the Gambling Act and are outlined in sections 4.1 to 4.6 of the draft statement of principles.

There is a "fast track " application route available to those Clubs holding a Club Premises Certificate issued under the Licensing Act 2003 (please see section 4.6 page 29). Most of our Members Clubs have applied for Club Gaming Machine permits using this route.

Unless there are representations from the Gambling Commission or the Police about an application for a Club Gaming / Machine Permit – most of the applications would be dealt with by officers – under the delegations outlined at Appendix G (page 60). This table of delegation is one recommended in 4th edition of Guidance to Licensing Authorities issued by the Gambling Commission.

Also please note that when a fast track application is made, the grounds for any objections is very limited, (please refer to 4.6 on page 29).

Appendix A of the draft Statement summarises the gaming machines that can be made available for use in different types of premises. Appendix B summarises the maximum stakes and prizes set by the gambling commission. Appendix C summarises the gaming entitlements for clubs and public houses.

I hope that the above answers your query.

Kind regards

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From: Lucy Knighton [<mailto:lucy@bcsagency.com>]

Sent: 04 September 2015 14:53

To: Cook, Daniel

Subject: Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to “few” local authorities having so far “*made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape*”. With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting “generic” and “template” based statements and that the Gambling Commission “will be placing much greater emphasis on the importance of the statements”.

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister’s advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that “*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*”. Licencing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the “protection of the vulnerable” licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: “*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*”.

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licencing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
 - B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
 - C. an incident log of all incidents on the premises must be kept
 - D. minimum 11.5 mm thickness security glass must be fitted to the service area
 - E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
 - F. maglocks fitted to entrance and exit points and even toilet doors.
 - G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: *“Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.”*

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licensing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: *“Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.”* Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licensing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities' remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing “considerable scope”, in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as “accepting bets on real events” and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government's view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to "existing powers".

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling

www.fairergambling.org / www.stopthefobts.org

Lucy Knighton Press Officer

email: fobts@bcsagency.com

telephone: +44 (0)115 948 6900

Good afternoon,

Thank you for your email to the Leader of the council, I'd like to draw your attention to an opportunity to comment on Tamworth Borough Council's policy [Gambling | Tamworth Borough Council](#).

Comments are requested by 31 Oct 15.

Thank you,

Steve

Proposed inclusion to policy

Should the authority be aware of any problems with specific premises as a result of the operations of FOBT's or (SSBT's) the appropriate action will be taken, including the review of the premises licence if necessary and the imposition of appropriate conditions.

It should be made clear that action would only be taken where there were individual circumstances supporting the reasons for doing so - but not as a 'general' rule to be applied across all premises.

Alex,

Good afternoon, as requested

[http://www.tamworth.gov.uk/sites/default/files/licensing_docs/150723_Gambli
ng%20Act%20Statement%20of%20Principles.pdf](http://www.tamworth.gov.uk/sites/default/files/licensing_docs/150723_Gambli
ng%20Act%20Statement%20of%20Principles.pdf)

regards,

Steve

7 Oct 15

Steve,

As requested I asked the Local Plans team to have a look at the consultation and their comments are as follows:

P4, Introduction

Population density by administrative area is not indicative of the actual conditions within the town, as density will be lower for authorities which happen to contain a larger rural area. The urban area density from the 2011 census for Tamworth is 39.6 persons per hectare, which is very similar to Cannock (39.3), and Burntwood (39.5), only slightly higher than Lichfield (37.9) and is less than nearby Polesworth (47).

P13, Premises licenses

Para 1.17 – The consideration of planning restrictions on potential license conditions is welcomed. It may be worth encouraging discussion at the license application stage to check: whether any relevant planning consents could be varied; or how a new planning policy compliant scheme could be achieved to meet license conditions.

P47-49, Appendix E

Measures to deal with Premises and Exterior Design Risks will likely require planning consent (e.g. roller shutters). It would be useful to mention that in this appendix and that planning applications will have to consider separate issues as dictated by planning policy (e.g. creating an attractive public realm).

Hope this helps

Matt

Matthew Bowers
Head of Planning and Regeneration
Tamworth Borough Council
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Mob: 07891 285617
Fax: 01827 709277
Email: Matthew-Bowers@tamworth.gov.uk
Visit us at: www.tamworth.gov.uk

Marmion House
Lichfield Street
Tamworth
B79 7BZ

One Tamworth, perfectly placed.

Matthew,

Good afternoon,

Many thanks to you and your team for their comments, we will add them to the policy as appropriate.

Steve

Head of Environmental Health, Assets and Environment,
Tamworth Borough Council
Marmion House,
Lichfield Street,
Tamworth,
B79 7BZ

29th October 2015

Dear Sir

Consultation on Tamworth Borough Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document but provide feedback in terms of several areas regarding the new Risk Assessment section.

Your Statement correctly notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Please note that when judging applications, the Council should not take into account of any moral objections to gambling and most Council's include a sentence to this effect.

Risk Assessment

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this detail included within the Draft Statement.

Coral believe that the additional local risk assessment to be introduced with future premises licence applications from April 2016, should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list wide range of specific locations which are currently mentioned in your statement. Notwithstanding this, such locations if necessary would automatically be included with the operators risk assessment submitted when the application is considered.

We appreciate that a range of locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the risk assessment, there is no inference that such locations in close proximity to the licensed premises, are at greater risk of causing harm to the licensing objectives.

In order to clarify, Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



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Additionally, we are of the opinion that the proximity of the location of a betting premises in relation to supermarkets, other high street shops stated or associated leisure venues listed within your guidance, does not cause any greater risk in the attainment of the licensing objectives.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

The majority of council documents which are currently being reviewed, do cover this new area and have managed to consolidate their guidance into one or two paragraphs. We would caution against the council providing a long list of locations which must be risk assessed and instructions / templates for completion which are not proportionate to the styles of businesses we operate. However, as an established national operator, we will of course commit our best endeavours to completing the new requirements to your satisfaction.

Finally, within your Statement, on page 55 is the comment:-

'There has been concerns voiced in the media about increases in Fixed Odds Betting Terminals (FOBT) in deprived areas and the betting industry targets areas of deprivation.....'

It is helpful that you state on Page 56:-

'Recent enquiries with local betting premises in relation to the use of B2 or FOBT seems to show that there is no excessive use of the machines.....'

Coral politely advise Tamworth Council that irrespective of what may be read in the wider media, the facts are that we do not target deprived areas and would be happy to share our evidenced based analysis with the Council if they would like to view more insight of this topic.

If we can provide any further information to assist in this Draft Statement, we would be pleased to do so.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'John Liddle', with a horizontal line underneath.

John Liddle
Director of Development – Coral Retail

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Tamworth Borough Council
Licensing
Marmion House
Lichfield Street
Tamworth
B79 7BZ

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / ET / 097505.00004
#GS437386
Your ref:
Date: 22 October 2015

Dear Sir/Madam

Re: Gambling Act 2005 Policy Statement Consultation

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

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

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

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

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

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

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

Working in partnership with local authorities

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

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

LGA – ABB Betting Partnership Framework

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

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

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

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

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

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

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

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

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

Local area risk assessments

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

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

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

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

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

Local Area Profiles – Need for an evidence based approach

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

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

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

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

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

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

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

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

In paragraph 1.2, there is a statement that “licensing authorities are able to exclude default conditions and also attach other conditions where it is believed to be necessary and proportionate”. The Statement of Principles needs to be consistent and should be clear throughout that conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case such that the mandatory and default conditions need to be supplemented. Section 5 of the Statement of Principles indicates that the mandatory and default conditions will usually be sufficient to ensure operation that is reasonably consistent with the licensing objectives and that conditions will only be imposed where there are specific risks in a particular circumstance. The Statement of Principles needs to be clear throughout that additional conditions will only be imposed where there is evidence of a need to do so and not simply where it is “believed to be necessary”.

Paragraph 1.9 indicates that it is the council’s policy, upon receipt of any relevant representations, to look at specific location issues including the possible impact of gambling premises where these are situated close to premises such as schools, a vulnerable adult centre in the area or residential areas where there may be a high concentration of families with children. The licensing authority needs to put such statements in to context. Betting offices, in particular, are usually situated in areas of high population or high footfall. In the circumstances, betting premises are almost always situated in areas where there are children but owing to fifty years of regulation, and robust mandatory and default conditions, operators have developed policies and procedures to ensure that those who are not permitted to bet do not do so. The Statement of Principles should acknowledge the expertise of the operators and should be clear that whilst proposed premises in such locations will be investigated by the licensing committee, there is no policy to refuse or impose conditions where premises are in such areas.

It appears that there may be words missing from the first sentence of paragraph 1.10. This sentence should be amended in order that it makes sense.

Paragraph 1.12 lists factors that the council would expect a local risk assessment to consider as a minimum. This list needs to be redrafted as it contains matters that cannot be relevant for the purposes of a local area risk assessment. Social Responsibility Code Provision 10.1.1 requires that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. The risk assessment, therefore, must relate to the gambling objectives. Whether or not the area is an area of deprivation has no bearing upon the licensing objectives unless the licensing authority has predetermined that persons living in an area of deprivation are automatically vulnerable or likely to be involved with crime or disorder. This cannot follow. Similarly, the ethnic profile of residents in the area cannot have a bearing on the licensing objectives and the requirement to assess “the demographics of the area in relation to vulnerable groups” needs to be explained as it is not clear what this means.

Paragraph 1.14 contains a further list of matters that the risk assessment may include. This includes a suggestion that “where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance of the licence”. Where a betting premises licence application is made, the whole of the premises as outlined on the plan accompanying the application will be used for betting. It may be that the word “gambling” is a typographical error and this word should read “gaming”, in which case the policy should be amended to reflect this.

Section 11.2 to 11.4 deals with the issue of betting machines in betting premises. The Statement of Principles would be assisted by a clear explanation of the difference between betting machines and gaming machines. The Statement of Principles should be clear that whilst s181 Gambling Act 2005 contains the power for a licensing authority to restrict the number of betting machines, there is no such power to restrict the number of gaming machines, the holder of a betting premises licence being authorised to make up to four machines of categories B, C or D available for use.

As stated above, the ABB does not believe that it is for the licensing authority to prescribe the form of risk assessment, to do so being against better regulation principles. Against this backdrop, Appendix E is too prescriptive. Operators should be allowed to gear their risk assessments to their own operational procedures.

Furthermore, Appendix E contains a number of factors to be taken into account which are wholly irrelevant for the purposes of Gambling Act 2005. For example, the opening of a new payday loan or pawnbrokers in the area is suggested as a risk assessment trigger. The Statement of Principles recognises (at page 46) that “the risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives”. It is impossible to see how the opening of a new payday loan or pawnbrokers in the local area or indeed a new gambling premises can relate to a risk to the licensing objectives. Furthermore, the ethnicity, age or economic make-up of the local community cannot be relevant from a risk assessment perspective.

Overall, the whole of Appendix E is overly prescriptive especially given the statement at the end that underage gambling is deemed low risk following visits to licensed premises. Furthermore, on

page 56, it is recognised that there is no excessive use of FOBT machines and proper control and monitoring of the machines is in place. On account of the high level of compliance, there is no need for such prescription with regard to local risk assessments.

Conclusion

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

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

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

Yours faithfully,



GOSSCHALKS

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